

HUMAN SERVICE EXECUTIVES' INSIGHTS ON THE BEST INTERESTS OF THE CHILD

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ABSTRACT

Popular use of the phrase *best interests of the child* has led many to believe that the meaning and definition of *best interests* has been thoroughly investigated in the respective sectors working with children. However, research in this area tends to be superficial and generalized and the concept remains inconsistently defined. Article 3 of the *United Nations Convention on the Rights of the Child* states the best interests of the child is to be a primary consideration in all actions concerning children. There is no straightforward way for the best interests of the child to be systematically studied, understood, or applied if there is not a commonly held or accepted conception of what is in the child's best interests or measurable standards for those human service executives working with children.

The purpose of the study was to identify Saskatchewan human service executives' insights with respect to the best interests of the child principle as these inform practice, policy, and research in human services and, secondly, to examine their perceptions of moral purpose, agency, and efficacy in the application of the BIC principle, as delineated by the UN Committee in the *Concluding Observations on the Combined Third and Fourth Periodic Report of Canada*, (United Nations, 2012).

A qualitative approach, comprised of general interviews with 11 Saskatchewan human service executives, was used to collect data for this study. Using Hood (2007) and Thomas' (2006) Generic Inductive Qualitative Method (GIQM) approach for coding, data were categorized from interviews using an inductive approach to developing categories and sub-categories to answer the research questions. Reduced data were interpreted and synthesized by the researcher using extant public documents and literature to triangulate results.

Exploration of human service executives' perceptions in this study revealed a number of insights. Human service executives' conceptions of the best interests of the child were described in detail and a description of the contemporary Childscape of Saskatchewan emerged. The data revealed that many conceptions of the BIC principle existed and although similarities appeared within sectors, the similarities were mainly due to the sector-specific policies and legislation informing human service. Furthermore, human service executives provided descriptions that add to existing theory about decision making on behalf of the BIC and moral purpose, moral agency, and moral efficacy. Implications for future research entail the adoption of intentional planning, collaboration, and incorporating children's voice into the processes surrounding the BIC in Saskatchewan in an effort to ensure the future Childscape of Saskatchewan is better than the realities described at the time of this study.

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DEDICATION

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CHAPTER ONE

Introduction

The best interests of the child (BIC) principle has been coined in policy, research, and practice and espoused as the primary consideration for those human service executives making decisions and taking actions on behalf of children. Those who make decisions about children are increasingly required to use the BIC principle. Discussions surrounding the BIC principle often refer to the “indeterminacy, vagueness or open-endedness of its operating standard” (Parker, 1994, p. 26). Skepticism and uncertainty about the usefulness of the BIC principle seems to have penetrated the highest levels of decision making. A High Court judge in Australia noted “it must be remembered that, in the absence of legal rules or a hierarchy of values, the best interests approach depends upon the value system of the decision-maker. Absent any rule or guideline that approach simply creates an unexaminable discretion in the repository of the power” (Secretary of the Department of Health and Community Services v. JWB and SMB, 1992). Uncertainty about the BIC principle is further complicated by the certainty with which the phrase is used institutionally. It seems, as the BIC principle is becoming the standard for decision making, the open-endedness and vagueness of the standard may be used to justify personal interpretations, and not actually meet the best interests of the child (Parker, 1994)

The *United Nations Convention on the Rights of the Child (UNCRC)* is a human rights treaty setting out the civil, political, economical, social, health, and cultural rights of children. Canada ratified the convention, binding itself under international law to comply with, be monitored by, and report to the United Nations Committee on the Rights of the Child. The *UNCRC* lays out guidelines for the best interests principle at an international level and periodically reports on national progress and implementation. In September 2012 at the 61st

session the UN Committee on the Rights of the Child reviewed Canada's progress in relation to children's rights in a combined 3rd and 4th review, producing comments called "concluding observations," noting that Canada had at that time not been able to implement the previous recommendations of the Committee. Significantly noted were the conditions of Aboriginal and international youth and the sub-standard resources they received compared to other children. Also indicated in the review were concerns of teen suicide, mental health, sub-standard housing, and low educational achievement. Canada was then given another five years until the next report to prove to the international community that Canada is enhancing the best interests of children.

On a national level, Canada is not meeting the best interests of the child standard, according to the UN Committee (United Nations, 2012). The research associated with this dissertation study was delimited to one province, Saskatchewan, and examined human services executives' perspectives on how programs, policies, initiatives were impacting or addressing the best interests of the child. The study was designed to look at the BIC principle as it was understood and applied in practice and policy by selected human service executives, throughout the Province of Saskatchewan, and to determine the next practical steps for the province.

Background to the Best Interests of the Child

Children's rights, defined as human rights for children (Ambunda & Mugadza, 2009) by UNICEF, have evolved throughout the last 100 years in significant ways. The *UNCRC* embodied four general principles, one of the four reflected the BIC principle and provided the focus for this dissertation. The BIC principle was defined in Article 3 of the *UNCRC* (United Nations, 1989) and was comprised of three sub-sections:

1. “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.”

The *UNCRC* did not provide a single definition of the best interest of the child, which could have been a factor for how effectively human service executives implemented the BIC. For instance, the absence of a single definition or specific model could have created difficulty for human service executives when acting on behalf of children. The ambiguity and lack of clarity may have made it difficult for human service executives to be effective in their approach to working on behalf of children. Alternatively, the absence of a prescriptive definition or specific model may not have been a factor in how human service executives implemented the BIC principle. Human service executives may have been operating from a common understanding of the BIC principle, regardless of the clarity in definition or there may be divergent understanding of what the BIC principle encompasses and how it should be applied. While it is true that the *UNCRC* did not provide a single definition of the BIC the question remains, did the lack of a precise definition cause implementation problems for human service executives tasked with

working on behalf of children or was there a common understanding of the BIC principle that human service executives rely on to make decisions?

Broadly defined, the term *best interests* refer to the well-being of the child. Multiple variables including age, maturity, culture, presence/absence of a parent, the environment, history, and other factors may affect the process of determining and defining what is in the best interests of an individual child. No two children are the same or come from the same situation. This diversity could lead to complications for human service executives making decisions in the best interests of the child and in justifying their decisions. It is important to note that the BIC principle may have varying levels of importance in the decision making process depending on the situation. For example, situations where specific actions are being taken, including adoption and separation from parents against their will, the *UNCRC* requires that the best interests be the determining factor, whereas for other action it has to be a primary consideration (UNICEF, 2006).

Children, defined as anyone under the age of 18 (United Nations, 1989), are the most vulnerable in our human population and the protection and promotion of their rights, needs, and capabilities must be perceived, understood, and given intentional attention. The best interests principle was meant to be included during every stage of action involving children from “data collection, planning, resource allocation, project implementation, monitoring, and development of guidelines as well as actions affecting individual children” (UNHCR, 2006, p. 8).

In 2009, a two-day multi-disciplinary conference on the *Best Interests of the Child: Meaning and Application in Canada* was held at the University of Toronto. The goal of the conference was to better understand and effectively apply the BIC in Canada and achieve full implementation of the *UNCRC*. Keynote speaker, Mary Ellen Turpel-Lafond promoted a

systematic and structural analysis of the situation of children, proceeded by using public policy tools to change and improve life conditions for all children (Canadian Coalition for the Rights of Children, 2009). Optimal conditions for child development were analyzed throughout the conference and research was presented to show different options for integrating the *UNCRC* within different sectors who work on behalf of children. It was decided that a common outcomes framework would help to: “gather and analyze evidence about the situation of children across Canada; identify policy options and priorities that would be in the best interests of children; and monitor progress in implementation” (Canadian Coalition for the Rights of Children, 2009, p. 10). This type of a framework, using the BIC and the *UNCRC* to assess the impacts of public policies for children, was a step towards having a more positive impact on the lives of children.

Another action point that emerged from the 2009 Canadian BIC conference was the need to establish a federal Children’s Commissioner with a mandate of bringing children’s voices and perspectives into national public policy formation (Canadian Coalition for the Rights of Children, 2009). The call to establish a federal Children’s Commissioner was echoed again in 2013 at a panel presentation and open discussion at Ryerson University, designed to follow up the September 2012 review by the UN Committee on the Rights of the Child of Canada’s implementation of the *Convention on the Rights of the Child* (Ryerson University, 2013). Next steps were also discussed during the Ryerson open nationwide panel discussion. Some next step suggested were: examining decision making processes and how they related to children, integrating children’s voices in issues, developing a national strategy in regards to the Aboriginal and the African child population, educating for children’s rights, translating children’s rights into common language, developing a level of consistency when defining the BIC in different sectors, creating a child friendly budget, and actively including children in decision making processes.

According to participants at the Ryerson panel discussion, Canada's culture in relation to children has not changed since the 2009 Canadian Coalition Conference. The recent UN review seemed to strengthen the perspective that Canada was not yet meeting the standard of the BIC on many levels (United Nations, 2012).

Following the *Concluding Observations on the Combined Third and Fourth Periodic Report of Canada* (United Nations, 2012), members of the Canadian Coalition for the Rights of Children (CCRC) wrote to Canadian Prime Minister, Stephen Harper, to call for a Government response and commitment for follow up on the recommendations. Specifically, the CCRC called for public accountability via a public response with a plan to improve Canada's implementation of the *UNCRC*. The deadline provided for this tabled public response was before National Child Day, November 20, 2013 in the form of a report including which recommendations would be implemented and how and which were being rejected with alternative steps to meet the stated objectives (Canadian Coalition for the Rights of Children, 2012b). At the time of writing this study, the Government had not yet responded to this letter.

The Canadian Coalition for the Rights of Children created a document entitled *10 Steps for Children in Canada* following Canada's Third/Fourth Review (United Nations, 2012). Through analysis, the CCRC was able to identify a list ranging from specific policy changes to structural reforms that were necessary to fulfill the BIC principle for children in Canada (Canadian Coalition for the Rights of Children, 2012c). The list of 10 steps, a starting point to move the recommendations to action, included: (a) accurate data and analysis of the situation of our children, (b) consistent framework for policies that affect children, (c) national strategy to prevent all forms of violence against children, (d) take immediate action on specific policy changes, (e) national advocate for children, (f) best interests of the child and view of the child in

all decisions, (g) inform children about their rights and train adults who work with them, (h) access to affordable, quality childcare, and (i) make the youth criminal justice system consistent with the convention (Canadian Coalition for the Rights of Children, 2012c). Three recommendations related to this study were: (a) the inclusion of the best interest of the child and views of the child in all decisions, (b) training adults who work with children, and (c) creating a consistent framework for policies that affect children.

In the concluding recommendations for Canada, Article 3 was reiterated as Canada was asked to “... ensure that the principle of the best interests of the child is appropriately integrated and consistently applied in all legislative, administration, and judicial proceedings as well as in all policies, programs, and projects relevant to and with an impact on children” (United Nations, 2012, paragraph 35). This dissertation study was concerned with those human service executives working and implementing the BIC principle across different sectors and situations. The UN recommendations noted that Canada needed: “a comprehensive legal framework which incorporates the provisions of the Convention ... and provides clear guidelines for their consistent application” (United Nations, 2012, paragraph 13). Clear definition and application of the BIC principle and a framework for human service executives are a starting place for Governments to begin implementing the most recent recommendations.

Human service executives who work with children are asked to advocate and act in the best interests of the child. Broadly defined, human services executives include persons from the education, health, judicial, and social service sectors. Setting consistent standards with a common framework for executives in these agencies may be difficult, especially since they each have different funding arrangements, different service mandates, different relationships with families, and different understandings of children’s needs and welfare (Cottress, Lucey, Porter,

& Walker, 2000). As Hodgkinson (1989) pointed out, “the bewildering array of agencies has become part of a large, unwieldy bureaucracy where emphasis is on self-preservation” (p. 25). Guthrie and Guthrie (1991) indicated that new arrangements would have to be made to move emphasis away from each agency and towards the client: the child. These arrangements need to be child-centered, giving the child whole priority status. Human service executives will have to work together to provide a balanced, comprehensive, collaborative approach to the overall condition of the child. Guthrie and Guthrie (1991) noted that the BIC had to be set as the primary goal beyond each individual organization’s needs, priorities, and goals. Creating a common language for talking about children has been recommended as a starting place for organizations planning to work together.

Human service executives who work with children, their families, and other human services executives daily face making decisions on behalf of children. A significant factor in the effectiveness and success of these decisions is at the level of personal agency that human service executives feel they possess. If all the decisions have previously been made on their behalf and they are following a list of systematized steps, the executive is simply a cog in the wheel. Human service executives are asked to go beyond agency and have a sense of moral agency, because they are acting in the best interests of the child and are expected to maintain a high standard of morals in their actions. Key facets of effective moral agency are moral-purpose and psychological confidence or self-efficacy. When a human service executive has a strong moral purpose and a personal belief in their ability to succeed and achieve the goals set before them, they are able to act with integrity and make decisions for the BIC. This dissertation study looked specifically at the perceptions of human service executives tasked as moral agents who made the crucial decisions about how the BIC would be interpreted and implemented in Saskatchewan.

These human service executives ranged from public policy makers, to Government officials, to executive directors and coordinators of different public services who led and managed the many human service professionals working under them. These specific human services executives were leading at a pivotal point in the history of Canada in regards to the BIC. How these human service executives viewed their moral purpose, employed their moral agency, and perceived their moral efficacy to make decisions to enact profound change was a key aspect of this inquiry.

The amorphous nature of the BIC can be both a strength and weakness. The subjectivity of the term has allowed the principle to be responsive to the situation of individual children and has allowed flexibility for adaptation as research about child development evolved. The vagueness of the BIC has allowed for manipulation and misuse by those with the power to make decisions and impose their personal belief of what is in the child's best interests. We should remember that at one point in history Canadians believed it was in the best interests of children to take Aboriginal children from their parents and place them in residential schools (Canadian Coalition for the Rights of Children, 2009). Human service executives have the ability to implement new policy to redefine the BIC in policy and practice.

Purpose of this Research and Guiding Questions

In this Saskatchewan-wide study focused on the best interests of the child (BIC) principle, I examined the perceptions of human service executives working in the public service sectors of education, justice, social services, health, and public policy with respect to their interpretation and implementation of the best interests of the child (BIC) principle. The purpose of the study was to identify Saskatchewan human service executives' insights with respect to the best interests of the child principle as these inform practice, policy, and research in human services and, secondly, to examine their perceptions of moral purpose, agency, and efficacy in

the application of the BIC principle, as delineated by the UN Committee in the *Concluding Observations on the Combined Third and Fourth Periodic Report of Canada* (United Nations, 2012).

The following questions guided my research:

1. To what extent do human service executives view the Province of Saskatchewan, and its current policies, practices and services, approximating the standards set forth in the *Convention of the Rights of the Child* and the subsequent recommendations from the *United Nations Convention on the Rights of the Child*?
2. How do human service executives describe their role and the scope of their influence with respect to the determination of the best interests of children in policy, administrative function, and in specific cases?
3. How do human service executives view themselves as moral agents through the range of ideations, deliberations and determinations of BIC in the Province and within the sphere of their roles?
4. What is the range of descriptions that human service executives provide with respect to how decisions about the best interests of the child are currently made and might be better or best made in Saskatchewan?
5. What are the challenges and obstacles that human service executives, and their staff, face when making decisions throughout the range of specific contexts and contestations that call for the application and adjudication of BIC?
6. What implications from insights do human service executives offer regarding policy and practice related to the best interests of children for future work in this sector and how do these next steps address the recommendations listed in the *Concluding Observations on*

the Combined Third and Fourth Periodic Report of Canada, provided to Canada from the United Nations Committee on the Rights of the Child (the UN Committee)?

In keeping with the purpose of this research with respect to gaining the insights and perspectives of human service executives, these research questions were created in an effort to identify participants' views of their roles, how they defined moral purpose, moral agency, and moral efficacy and how they described the landscape of the best interests of the child in Saskatchewan.

Significance of the Study

The importance of conducting research examining the insights and perceptions of the best interests of the child has been emphasized internationally by the United Nations Committee and by several scholars (Canadian Coalition for the Rights of Children, 2012b; Collins & Wolff, 2012; Collins, 2010; Pearson & Collins, 2009; Saskatchewan Children's Advocate Office, 2011; Saskatchewan Children's Advocate Office, 2012; United Nations, 2012). However, despite the international and academic attention to the best interests principle and its relevance for practical implementation, there are no studies on how human service executives are implementing the BIC and a description of their experiences. Identifying how the BIC principle was perceived, enacted, and assessed in Saskatchewan by human service executives was considered essential for successful implementation of the *UNCRC* in Canada, and essential to inform decisions, policies, and practices at various levels of human service.

This research was timely because of the five year deadline given by the United Nations committee for Canada to implement the current recommendations from the recent review of the *UNCRC* in a satisfactory way and because the Canadian Coalition for the Rights of the Child (CCRC) had given the Government of Canada a deadline of November 20, 2013 to publicly release an action plan to implement the recommendation from the recent UN review (CCRC,

2012a). It is my hope that the findings from this study are shared with educational, health, judicial, and social service executives as well as with policy-makers in order to provide an overview of present practices, initiatives, and insights for future decisions related to policy, strategies, and practice. In particular, human service executives provided insight into present decision making processes and beliefs regarding the BIC principle. Moreover, human service executives provided suggestions for future steps and initiatives to improve the implementation of the BIC principle in Saskatchewan.

This research informs human services executives in Saskatchewan on the BIC principle in relation to practice and policy and feedback is now accessible regarding current perceptions, weaknesses, strengths, and future steps to move the province forward as a leader for children's rights. This research contributes to the literature by providing an understanding from human service executives' perspectives on the BIC principle in Saskatchewan. The knowledge gained from this research provides information for future comparisons, insight for policy, future research areas, and advice for current and future human service executives.

Key Terms

The following definitions apply to this research:

1. **Agent** – a “person who acts on behalf of another person, whom we will call, according to the current fashion in public administration literature, the principal” (Garofalo & Geuras, 2006, pp. 1-2). In other words, an agent is a person who acts to make something happen (Bandura, 2001).
2. **Best Interests of the Child** – A term from Article 3 of the *United Nations Convention on the Rights of the Child* which obligates States Parties to ensure that the best interests of the child are a primary consideration in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administration authorities or legislative bodies.

3. **Child** – “every human being under 18 years of age – as defined in the UN Convention on the Rights of the Child” (Canadian Coalition for the Rights of Children, 2003, p. 6).
4. **Child Rights** – Human rights for children (Ambunda & Mugadza, 2009)
5. **Convention, Treaty, or Protocol** – “Convention” and “treaty” are used interchangeable and refer to legally binding agreements between States Parties. Conventions and treaties define the duties of those states that have ratified them. Protocols are developed subsequent to a particular convention or treaty, establishing additional rights and obligations. They must be signed and ratified like conventions and treaties and are also legally binding agreements” (Canadian Coalition for the Rights of Children, 2003, p. 6).
6. **Human rights** – “Needs that, in respect for human dignity, an internationally recognized system of governance deems people and groups are universally entitled to and for which countries through their Governments, make commitments to provide for” (Canadian Coalition for the Rights of Children, 2003, p. 6)
7. **Human Service Executives** – Executive level professionals, including policy makers, Government officials, academics, appointed advocates, commissioners or executive directors who administer and/or lead those who offer assistance to clients within the context of their community and environment in a qualified and/or authoritative way.
8. **Sector** – an area or discipline that provides services that are distinct from others.
9. **State Parties** – refers to “States and other entities with treaty-making capacity which have expressed their consent to be bound by a treaty and where the treaty is in force for such States and entities” (United Nations, 2013).
10. **United Nations** – the world’s largest international organization, founded in 1945, with the aim of promoting and facilitating policies at an international level, including the BIC principle.

11. ***United Nations Convention on the Rights of the Child (UNCRC)*** – a human rights treaty that defines the civil, political, economic, social, health, and cultural rights of children.
12. **United Nations Committee on the Rights of the Child** – a committee that monitors that progress and implementation of the *UNCRC* by nations that have ratified the convention.

Assumptions

The following assumptions influenced this study. I assumed that:

1. A qualitative research design was sufficiently appropriate, rigorous, and efficacious for the intentions of this research.
2. Participants would respond knowledgeably, forthrightly, and truthfully to the interview questions. In other words, that all participants interviewed were capable informants as they entered into dialogue with the researcher.
3. The second reader while reading the data and findings would provide unbiased and meaningful feedback to enhance the trustworthiness of the study.
4. Leaders and executives make a difference and have an impact on outcomes.
5. For the purposes of this study ethics, morality, and values were construed as synonymous.
6. Understandings, stories, and descriptions of the current climate in Saskatchewan with respect to children and identifying how the BIC principle was being perceived, enacted, and assessed in Saskatchewan by human service executives was assumed (in this study) as necessary for creating effective policies for better implementation of the *UNCRC* in Canada, and to inform decisions and practices at various levels of human services, in order to enhance the BIC.

Limitations

The following limitations applied to the research:

1. The researcher's academic experiences and philosophical biases and use of proposed methodology could affect how the data were collected, analyzed, and consequently, how the conclusions were drawn.
2. Participants' may have provided biased answers, according to varied experiences, sector and system perspectives, and other situated and personal or professional variables.
3. Data were limited to the perspectives provided by 11 human service executives within the six-month period from January to June 2014.
4. The coding process was limited to my interpretations of the data as I was the primary research instrument in the interpretation process.

Delimitations

The following delimitations applied to the research:

1. The research was delimited to the perceptions of selected human service executives in Saskatchewan on the best interests of the child principle.
2. The research was delimited to human service executives working in the health, education, judicial, and social services sectors.
3. Data collections for this study were delimited to a six-month period from January to June 2014.
4. Data were collected only through a qualitative interview methodology.
5. Although examples of context specific legislation with respect to the best interests of the child principle were provided, the research was delimited to voices of human service executives who participated in the study.

Structure of the Dissertation

The dissertation is organized into five chapters. This first chapter provides the background and rationale for the research, the research questions that guided the research, the

significance of the research and related delimitations, limitations and assumptions, and definition of key terms.

In chapter two, a review and summary of the current literature relating to the study are presented. This chapter includes an analysis and history of the best interests principle, an overview of successfully implemented models of the BIC, an examination of human service executives as moral agents and the importance of self-efficacy. Finally, an overview of the literature is provided in a conceptual diagram.

In chapter three, the research design, methodology, method of data collection and analysis, and the ethical considerations associated with the research are detailed.

Chapter four describes the findings obtained; including human service executives' perception of the BIC principle in Saskatchewan and categories that emerged from the data.

Chapter five consists of a summary of the study, discussion of the findings, and implications for theory, practice, and further research.

CHAPTER TWO

A Review of Relevant Literature

As indicated in chapter one, the purpose of the study was to identify Saskatchewan human service executives' insights with respect to the best interests of the child principle as these informed practice, policy, and research in human services and, secondly, to examine their perceptions of moral purpose, agency, and efficacy in the application of the BIC principle, as delineated by the UN Committee in the *Concluding Observations on the Combined Third and Fourth Periodic Report of Canada* (United Nations, 2012). I recognize that I could have included literature pertaining to each of the specific sectors to represent the current state of knowledge about how they interpret the best interests of the child principle, but, instead, made a choice to review selected extant public documents pertaining to specific sectors in chapter 5. In this chapter selected aspects of the BIC principle are reviewed to reveal the range of interpretations that give meaning to the BIC principle and to provide a framework for this study. The chapter begins by providing a history of the BIC principle. Next, examples of successful models of BIC implementation around the world are presented. Moral philosophies and moral agency are discussed as these relate to human service executives and organizations working in the best interests of the child, and finally I provide an overview of moral efficacy and how moral efficacy affects the ability of human service executives to properly act as moral agents. In conclusion, a conceptual framework is presented to synthesize the literature and provide a foundation for this study.

History of the Best Interests of the Child (BIC) Principle

Canada signed the *United Nations Convention on the Rights of the Child (UNCRC)* over 20 years ago, on December 13, 1991. The recently combined third and fourth review conducted

by the Committee for the Convention on the Rights of the Child concluded that Canada had not yet sufficiently implemented some of the recommendations from the concluding observations of the second periodic report. Problems continued to exist when it came to integrating the BIC principle in Canadian law, public policy, or in public awareness. This study focused on the best interests of the child, which is a core principle of the Convention. This principle is identified as a primary consideration for all policies and decisions relating to children. The history and progression of the BIC principle is discussed below followed with specific application and implications the BIC has had for Canada and Saskatchewan.

An early founder of children's rights in the 20th century, Janusz Korczak, was a significant advocate, spokesman, and protector of children's rights. He took a holistic approach to children's rights, urging the adoption of a formal legal document, a Magna Carta Libertatis (Dabibor, 2011). He attributed the same social value to childhood as to adulthood, and argued for the respect, "freedom, equality, self-determination, autonomy, and their individuality of each child" (p. 86). The best interests of the child principle was birthed from thinkers like Korczak who advocated for children who did not yet to have a voice to express themselves.

The United Nations Convention on the Rights of the Child

In 1924, the *Declaration of the Rights of the Child* was adopted by the League of Nations (1924). This was a significant document that recognized and affirmed the existence of rights specific to children and identified that humankind owed the child the best it had to give. Following World War II the United Nations (UN) was founded. The UN drafted a second *Declaration of the Rights of the Child* in 1959 after several shortcomings were noted, but again addressing the notion that "mankind owes to the Child the best that it has to give" (*Declaration of the Rights of the Child*, 1959). In 1979, the United Nations began developing an international,

inclusive, legally binding human rights treaty to protect the rights of children everywhere. *The United Nations Convention on the Rights of the Child (UNCRC)* was adopted globally on November 20, 1989 (Tang, 2003), instituted as international law on September 2, 1990, and came into effect in Canada in 1991(Whitehead, 2009). *The UNCRC* has been ratified by 193 United Nations member states; only three UN member states, the United States, Somalia, and South Sudan have not ratified the *UNCRC*. This is an impressive feat considering no other human rights international agreement has ever been ratified as a Convention (Coward & Cook, 1996).

The *UNCRC* is a framework that guides actions and guarantees all children's rights. The Convention "covers civil, political, economic, social and cultural rights" (Tang, 2003, p. 177). The *UNCRC* is the world's "most-recognized, legally binding human rights treaty and was drafted with the specific purpose of safeguarding and advancing the rights of all children" (Whitehead, 2009, p. 178). The document is a guide and framework for the "development and implementation of policies and programs that address and fulfill children's needs" (Whitehead, 2009, p. 178). The articles stipulate what State parties are obligated to do in different conditions (Tang, 2003). State parties choose how they implement the child rights obligations under the *UNCRC*. Part of being a ratifying nation involves submitting a five-year report that is reviewed and commented on by the Committee for the Convention on the Rights of the Child. The process of monitoring should ensure that implementation progresses over time.

The Convention represented a turning point in the global movement for the rights of children (Flekkoy, 1991). In the preamble, the *UNCRC* acknowledges the family as the fundamental unit of society and the natural environment for the well-being of children. The family unit should be protected and supported to assume its duty with society. The substantive

articles (Articles 1-41) detail the specific rights. National Governments are called to recognize and be responsible for the implementation of the following four themes of rights: survival rights, development rights, protection rights, and participation rights. The survival rights include: (a) children have the right to survival and development (Article 6), (b) basic economic welfare (Article 27) and, (c) health care (Article 24). Development rights include: right to education (Article 28). Protection rights ensure: (a) children also have the right to be protected from abuse or neglect (Article 19), (b) economic exploitation (Article 32) and, (c) sexual exploitation (Article 34). Children have participation rights including: (a) the right to participate and have a right to freedom of expression and information (Article 13); (b) the right to freedom of thought, conscience and religion (Article 14); and (c) the right to freedom of association and peaceful assembly (Article 15).

UNICEF has broken the *UNCRC* into four core, guiding principles to assist the interpretation and application of children's rights. The four principles are: (a) non-discrimination (Article 2); (b) right to life, survival, and development (Article 6); (c) doing what is in the best interest of the child (Article 3); (d) and respect for the views of the child (Article 12) (UNICEF, 2005). The final articles of the *UNCRC*, Articles 43-53, explain how Governments and international organizations will work to support children's rights. Article 43 calls for the creation of the Committee on the Rights of the Child that consists of 18 experts whose main purposes are to receive and review reports on the progress of children's rights.

The *UNCRC* is the international piece of legislation outlining the rights of children. Rights of children have evolved significantly over the last century and finding consistency in implementing children's rights and assessing the impact of child oriented initiatives might be the

work undertaken in the next century. The next section looks at the country of Canada and steps that have been taken to ensure the BIC principle is being enhanced.

Canada and The Best Interests of the Child

As indicated, Canada ratified the *UNCRC* in 1991. This means that Canada has domestic and international obligations to respect the rights of children in all humanitarian and international development work. Canada is a federal state with legislative, executive, and judicial powers divided or shared between federal, provincial, and territorial Governments. This means that 14 Governments in Canada share responsibility for implementing the *UNCRC* and its Optional Protocols (Bosse, 2012). Canada's domestic implementation of the *UNCRC* is brought before the United Nations Committee on the Rights of the Child every five years for an assessment of implementation and advancement of child rights.

Ten years ago, Tang (2003) did a review and assessment of Canada's implementation of the Convention. Tang noted many positive areas where the *UNCRC* has had an impact and been implemented but his major critique was that the Canadian Government had not devoted sufficient funds or resources to implementing the *UNCRC*. He highlighted the following problematic areas: "the lack of a unified, child-focused federal approach to policy; the lack of a national monitoring body; and the opposition of pro-family groups" (Tang, 2003, p. 278). A few of the steps taken to incorporate the articles contained in the Convention included: a Children's Bureau was established to ensure the Convention was taken into consideration when creating Government policies, federal and provincial Governments put effort into disseminating information about the Convention, other independent cases using the BIC principle included identifying children with disabilities, including the BIC in child protection cases, and

incorporating child's rights education into the educational curriculum (Tang, 2008). Tang noted that Canada was not yet meeting the BIC principle adequately.

Canada: Decision Making Processes.

Although the BIC principle is a paramount consideration in most Canadian custody, access, and child welfare legislation the Best Interest Article, Article 3, is intended to extend beyond these subject areas to *all actions concerning children*. This includes all policies, practices, and decision making bodies affecting children. The understanding of the BIC principle and its application by human service executives has serious implications for children as individuals and as a group. As referenced earlier, at a recent multi-disciplinary conference, keynote speaker Mary Ellen Turpel-Lafond presented a compelling case for shifting from an atomistic approach focused on the best interests of a particular child to consider the best interests of children in relation to their context and that BIC needs to go beyond the courtroom and individual cases into public policy formation, prevention, and public education (Conference Proceedings, 2009, pp. 9-10).

Many elements play an influential role in the conceptualization and application of the BIC principle in Canada. The articulation of the BIC principle in the *UNCRC* and in policy is highly important in this regard. The Supreme Court of Canada has used the BIC articulation in the *UNCRC* as an important interpretive source of law. In a leading Canadian administration law decision, the Supreme Court of Canada reversed a decision to have a Jamaican illegal deported from Canada without her four Canadian born children (*Baker v. Canada*, 1992, 2 S.C.R. 817). The *UNCRC* was cited using the BIC principle to rule that separating a mother from her children was not in the best interests of the children.

However, Article 3 of the Convention has also been criticized as amorphous, indeterminate and vague (Eekelaar, 1994; Tang, 2003). Domestic legislation that has incorporated the BIC generally recognizes the supremacy of the principle and then includes a list of non-exhaustive, non-prioritized factors to be considered by decision-makers. In contrast, other legislation tasking decision-makers to make determinations that impact children is silent on the application of the principle. Vagueness in the BIC articulation leads to two associated problems: first, without a clear understanding of BIC, anything and everything may be relevant in the decision making process. Vagueness can increase the complexity of custody, access, child protection, adoption, health and education disputes or other decisions-making processes (Park, 2003; Mnookin, 1985). Added complexities are particularly problematic when federal, provincial, or First Nations jurisdictional considerations may contribute to further delays in decision making. Jordan's Principle is a child first principle in memory of Jordan Anderson (First Nations Child & Family Caring Society of Canada). Jordan Anderson was a First Nations child born with complex medical needs who spent over two years unnecessarily in hospital while the provincial and federal Governments argued over who would pay for his home care. Jordan died in hospital without ever living at home, but as a result the House of Commons passed Jordan's Principle in 2007 that requires the Government first contacted to pay for services initially and reimbursement can occur after the child has been treated. (First Nations Child & Family Caring Society of Canada). These types of principles set precedent for putting children's needs before policy in practice.

Secondly, vagueness can provide decision-makers with great discretion in determining which factors will or will not be relevant to a particular decision (Parker, 1994). From a process perspective, this can result in decision-makers relying on evidence provided by psychologists,

psychiatrists, or other mental health experts to render opinions and, in turn, exclude the insights of parents or caregivers and the child herself (Freeman, 2000). Vagueness may also have the opposite effect of enabling decision-makers to be guided by their own subjective biases, values, beliefs and experiences as to what is in the BIC (Freeman, 2000). Decision making presents an issue for those enacting the BIC principle because of the lack of precedent and clear guidelines on which factors are important and should be considered pivotal to ensuring the best interests of the child is being met.

Monitoring Children's Rights in Canada.

The UN Committee on the Rights of the Child is the body of independent experts that monitors implementation of the *UNCRC*. All State parties are obliged to submit regular reports to the UN Committee on how the Convention is being implemented. The first report must be submitted two years after acceding to the Convention and then every five years following. The UN Committee examines each report and provides its concerns and recommendations to the State party in the form of a document entitled *concluding observations*.

Canada's initial report to the UN Committee on the Rights of the Child was considered in May, 1995. The report outlined six positive factors that Canada had implemented on behalf of children. Some of the positive factors were that Canada had played a leading role in the drafting the *UNCRC*. The UN Committee also noted that the protection of children's rights under the *Canadian Charter of Rights and Freedoms* and through the establishment of the *Children's Bureau* and the *National Council for Crime Prevention* in the area of juvenile justice. The expressed commitments to decrease child poverty and reduce disparities were also noted (United Nations, 1995).

The UN Committee listed nine complicating factors for Canada. The federal nature of Canada is a complicating factor in implementing the Convention since the responsibility for matters affecting children are divided amongst federal, provincial, and territorial Governments. The UN Committee was also concerned about the insufficient monitoring and assessment mechanisms for the implementations of the *UNCRC* across Canada. Disparities between provincial and territorial legislation and practices affecting the implementation were points of concern. The UN Committee was concerned about the inadequate reflection of the BIC principle in national legislation and policy-making (United Nations, 1995).

The UN Committee provided nine suggestions and recommendations for Canada to work on before the second review and encouraged Canada to develop policies aimed at disseminating information and increasing public awareness of the *UNCRC*. One recommendation called for national data collection and coordination amongst all jurisdictions to standardize policies and practices regarding children. Other recommendations were related to reducing poverty, reviewing legislation related to corporal punishment, ensuring children from vulnerable groups, including aboriginal and immigrant children, were adequately protected, and finally that the initial report to the Committee be made public and widely available to Canadians (United Nations, 1995).

Canada's second report to the Committee occurred in October of 2003. Overall, the UN Committee was pleased by the many initiatives Canada had undertaken since the previous report. In particular, they noted the National Children's Agenda, the National Child Benefit, the establishment of a Secretary of State for Children and Youth, the Federal-Provincial, Territorial Council of Ministers on Social Policy Renewal, the Social Union Framework Agreement, Bill C-

27 amendment to the Criminal Code, and Canada's Aboriginal Action Plan (United Nations, 2003).

The UN Committee (United Nations, 2003) expressed its concern with the lack of adequate attention to some of the recommendations made in response to Canada's first report. Insufficient data collection, failure to include general principles of the Convention in domestic law, failure to address refugee children difficulties, and Section 43 of Canada's *Criminal Code* providing legal defense for the use of corporal punishment had not been repealed in the allotted time frame. Again, as in the first instance, the UN Committee provided lists of major concerns and recommendations for Canada. Some of the key recommendations included: the need to ensure the federal Government made the provincial and territorial Governments aware of their Convention obligations and take measures to meet them, the need to promote coordination and monitoring across jurisdictions, the need to provide special attention to Aboriginal, migrant, and refugee children, to create Ombudsman offices in all jurisdictions and at a federal level, and to collect data across Canada to evaluate and create legislation, policies and programs, and allocate resources accordingly. Finally, the Committee noted that although Canada had established a good record of upholding the BIC principle, the principle remained poorly defined in some legislation, court decisions, and policies. It was also noted that executives remain poorly trained in respect to the principle and there was a recommendation that the principle be analyzed and applied to all programs, policies, practices and services impacting children (United Nations, 2003).

The most recent report, a consolidated third and fourth report, was completed in October, 2012. The *Concluding Observations on the Combined Third and Fourth Periodic Report of Canada* (United Nations, 2012) included positive notes about the progress achieved and

initiatives taken by Canada during the preceding nine years. The UN Committee recognized two specific legislative measures adopted by Canada: the law amending the *Citizenship Act* and *Bill C-49* amending the *Criminal Code* and addressing human trafficking. The UN Committee welcomed the ratification of the *Convention on the Rights of Persons with Disabilities*. Positive institutional and policy measures were noted including: the *National Action Plan to Combat Human Trafficking*, the *Homeless Partnering Strategy*, the *National Plan of Action for Children*, *A Canada fit for Children*, and the *National Strategy to Protect Children from Sexual Exploitation on the Internet*.

Despite the positive accolades, the areas of concerns and recommendations outweighed Canada's achievements. Specifically, "The Committee strongly recommends that the State party adopt a national strategy that provides a comprehensive implementation framework for the federal, provincial and territorial levels of Government" (United Nations, 2012, paragraph 13). This strategy would best be presented with specific priorities, targets, responsibilities, resources, and data collection mechanisms to be adopted within each Province's plans and strategies and monitored, preferably by an independent Ombudsman for Children at the federal level. Also, the UN Committee noted the Canadian federal system and dualist legal system (federal, provincial, and territorial jurisdictions) lead to inconsistencies in the implementation of child rights across the country. Again, the UN Committee urged Canada to adopt a national strategy in order to provide a comprehensive implementation framework for all levels of Government with specific and appropriate priorities, targets, and responsibilities as well as assessment, data collection, and monitoring strategies.

The UN Committee (United Nations, 2012) had other concerns that children between the ages of 16 and 18 were not benefiting from the full protection of the Convention in certain

Provinces and that pervasive discrimination on the basis of ethnicity, gender, socio-economic background, national origin and other grounds was occurring in Aboriginal and African-Canadian children. The UN Committee noted apprehension since corporal punishment had remained acceptable in the *Criminal Code* against children. A continuing concern of the UN Committee was noted in the *Concluding Observations on the Combined Third and Fourth Periodic Report of Canada*, (United Nations, 2012) for Canada to take active measures to systemically disseminate and “promote the Convention and also to train professionals who work with children and in developing these training programs to focus on training on the use of the Convention in legislation and public policy, program development, advocacy, and decision making processes and accountability” (United Nations, 2012, Paragraph 27).

The UN Committee (United Nations, 2012) urged Canada to increase its effort to ensure the BIC principle was being integrated and applied consistently in legislative, administration, and judicial areas as well as in policies, programs, and projects that impacted children. Currently, the UN Committee noted:

That the principle of the best interest of the child is not known, appropriately integrated and consistently applied in all legislative, administration and judicial proceedings and in policies, programmes and projects relevant to and with an impact on children. In particular, the Committee is concerned that the best interest of the child is not appropriately applied in asylum-seeking, refugee and/or immigration detention situations. (Article 34, United Nations, 2012)

The UN Committee encouraged the development of procedures and criteria to provide guidance for determining the best interests of the child in every sector, and to disseminate them to all public and private entities and institutions. Developing BIC criteria would be useful as: “The legal reasoning of all judicial and administrative judgments and decisions should be based on this principle, specifying the criteria used in the individual assessment of the best interest of the child” (Article 35, United Nations, 2012). The most recent report is far more comprehensive and

specific than previous reports. The UN Committee called for a combined fifth and sixth period report by July 2018 to show how Canada has implemented previous and current recommendations.

Saskatchewan and The Best Interests of the Child

The Province of Saskatchewan has been working to integrate the *UNCRC* and the BIC principle through many different initiatives. On October 11, 1994 the first Children's Advocate was named in Saskatchewan. The Children's Advocate is an independent officer of the Legislative Assembly whose powers and duties are detailed in *The Advocate for Children and Youth Act* (Saskatchewan, 2012). The Saskatchewan Children's Advocate Office promotes the interests of, and acts as a voice for, children who have concerns about provincial Government services.

The Saskatchewan Children and Youth First Principles were written by the Saskatchewan Children's Advocate and reinforce the BIC principle. One of the guiding principles states: "All children and youth in Saskatchewan are entitled to have their 'best interest' given paramount consideration in any action or decision involving them" (Saskatchewan Children's Advocate Office, 2012b, p. 3). In the Saskatchewan Children's Advocate Office's *Annual Report* for 2010 it was noted that 1,841 requests for service were made to the Office, mostly on behalf of individual or groups of children. The total request "includes notifications of 34 deaths from all causes and 43 critical injuries of children and youth who were in receipt of direct or delegated Government services or had received those services within 12 months of his or her death" (Saskatchewan Children's Advocate Office, 2011, p. 1). According to Saskatchewan Children's Advocate, Bob Pringle, a pressing concern is the lack of *pro bono* legal representation for issues related to child welfare. Following the release of

Saskatchewan's Welfare Review Panel's report in 2010 the Government of Saskatchewan established a Cabinet Committee for Children and Youth and announced the creation of the *Saskatchewan Children and Youth Agenda*.

The Provincial Government's 2011-2012 budget included the first ever *Saskatchewan Children and Youth Agenda* budget of \$34 million to help lay the foundation for meeting the needs of the Province's most vulnerable (Cabinet Committee on Children and Youth, 2011). The multi-Ministry budget proposal incorporated Provincial strategies focused on improving those factors related to "Child Welfare, First Nations and Metis Education and Employment, and Autism and Fetal Alcohol Spectrum Disorder" (Cabinet Committee on Children and Youth, 2011, p. 1). Ultimately, one expects that the Saskatchewan Government's new approach to inter-ministerial planning will provide better coordinated, comprehensive, and responsive strategies to the critical issues facing Saskatchewan's most vulnerable.

The Advocate office noted a concern in their 2012 *Annual Review* that although there have been incremental changes, the *Saskatchewan Children and Youth Agenda* has been losing momentum and is not affecting changes at the desired level. Although the Government has created a collaborative agenda for children, there is a lack of youth engagement, public awareness, and community support (Saskatchewan Children's Advocate Office, 2012b). Across the Province there is minimal awareness and engagement with the provincial Agenda and an assessment does not exist for whether the Agenda has an impact on youth. Early childhood development continues to be an area of progress as 500 new childcare spaces were developed in 2015 (Government of Saskatchewan, Ministry of Social Services, 2014). A continuous area of improvement and focus is for Aboriginal children and youth in Saskatchewan. Another area of concern was that Saskatchewan has an incarceration rate for young people that is three times the

national average and third highest in the country and the impact of the *Youth Criminal Justice Act* shifting from a rehabilitation model to a punitive model may have significant consequences for youth (Saskatchewan Children's Advocate Office, 2012b)

Saskatchewan has taken steps in assessing the current situation of children and youth in the Province and in implementing changes at a Government level. The Child Advocate noted concern that a gap exists between policy creation and buy-in at the public level. The Child Advocate "encourage[d] the use of Child Rights Impact Assessments as a lens for all ... policies, programs and practices in our Province. This process would ensure that at a minimum the four general principles of the Convention of the Rights of the Child are reviewed and embedded" (Saskatchewan Children's Advocate Office, 2012b, p. 25).

The most recent 2013 Annual Report noted the recommendation by the Canadian Coalition for the Rights of the Child for the federal Government to "adopt enabling legislation to make the *Convention* part of Canadian law and work with Provinces and territories so that their legislation also complies with the *Convention*" (Saskatchewan Children's Advocate Office, 2013, p. 7). The Annual Report described the renaming of the Child and Youth Agenda to now be called the Saskatchewan Child and Family Agenda to reflect the important role of families. The Annual Report highlights the initiatives and advancements being done in Saskatchewan on behalf of children. The concern remains that the Agenda is still not well known outside of the Government, or "even in some parts of Government, and that families, professionals and community members across the Province have minimal awareness of and engagement in it" (Saskatchewan Children's Advocate Office, 2013, p. 9).

The BIC principle has been accepted in Canada as significant to the point of affecting the outcome of legislative cases in Canada. Examples of people taking the initiative to ensure the

nurturing and growth of the BIC principle in Canada are encouraging. From Government level initiatives, such as Provincial children's advocates, to Canadian organizations and individuals who are promoting the rights of children like the Canadian Coalition for the Rights of Children, the BIC principle is being promoted in Canada. A lack of cohesiveness, communication, clear expectations, and leadership are missing elements to the effective promotion of the BIC principle nationally and to create a consistency of use in Canada.

Exemplars of Countries Enacting the *UNCRC*

A specific definition or practical examples of the BIC principle are not present in the *UNCRC*. There is, however, agreement that the BIC is child-centered, as distinguished from a model that would privilege the interests of parents, the state or other economic or social objectives. The BIC principle imposes an obligation on human service executives to make decisions that are substantively in a child's best interest, but in doing so often employs a decision making paradigm that vests authority for decision making in an adult or adults. This creates an interesting paradox, as the views of the child who are the "objects or subjects" of the decisions, are often excluded from the decision making process itself. How then do human service executives who provide services to children and youth and who make determinations resulting in the vesting or divesting of powers, services, rights or freedoms conceptualize the BIC? How also do decision-makers balance or reconcile competing principles and considerations with the BIC principle?

When a country creates a report to present to the UN Committee for review both the Government and civil society organizations compile and present reports, a discussion ensues with the UN Committee and the expectation is that the recommendations are brought back and domesticated by taking action to integrate them into reality. A problem with the reporting

process done in Canada is that the reporting is only done to the UN Committee and not to the rest of Canada. More than 40 recommendations came out of Canada's last 22-page review. These recommendations should be distributed in a fashion that all Canadians and especially children can comprehend.

Other countries, similar to Canada, have taken the recommendations of the *UNCRC* and have integrated them in their countries' policies and practices in ways that might be models for Canada to follow. These specific models were chosen because they are easily applicable and implementable in Canada. Specifically, an overview of the Welsh Assembly Government, Scotland's Government, and Australia's Government policies and initiatives on behalf of children will be summarized.

On November 20, 2009, the Welsh Assembly Government launched an action plan called *Getting it Right* integrating all the concluding observations set out by the UN Committee from their previous review. Locally, each of the 22 local authority-led Children and Young People's Partnerships (CYP Partnerships) in Wales publish 3-year strategic plans stating how all local partners will cooperate to work towards outcomes, explain the strategic priorities and actions steps, and list the separate responsibilities and required resources to achieved outcomes (Welsh Government, 2010). The plans are living documents subject to regular review and additions. The Welsh Government has been intentional in integrating children's rights into legislation. The most recent legislation passed brings in a children's scheme which will set out the arrangements Welsh Ministers must have in place to comply with the *UNCRC*. This legislation obligates Ministers to consult with external stakeholders including the Children's Commissioner for Wales, the voluntary sector, and children and young people themselves in the development of the *Children's Scheme* (Welsh Government, 2012). This piece of legislation will make sure that the

UNCRC will be considered in every decision made and shows a commitment to educate, train, and learn to include and respect children and their rights.

Prior to the Children's Scheme, Wales created a comprehensive framework called, *The Guidance*. *The Guidance* was a framework for human service providers that could be adapted to suit individual circumstances, guide decision making, and include current knowledge from research and practice and a training video to teach how to use the framework (National Assembly for Wales Head Office, 2001). *The Guidance* facilitated collaboration between agencies, created a common language, shared values about what is in the child's best interests, and created a shared vision for improving outcomes for children in Wales (National Assembly for Wales Head Office, 2001). The Welsh Government started these initiatives by identifying the recommendations and recognizing that the cooperation between all agencies through partnerships was necessary to promote the BIC principle in their country. The Welsh Government committed to spreading their belief that the BIC was important through policy and service delivery at the national and local level. Twelve years later the BIC principle has permeated up through all levels of Government in Wales and is a key consideration in every decision made.

Scotland is another example of a country that has a flourishing child-centered culture. Their ambition is: "for Scotland to become the best place in the world for a child to grow up. A place where rights are respected, where opportunities and supports are available when they are needed. A Scotland where children and young people can enjoy the present and develop into the confident, successful citizens of the future" (The Scottish Government, 2012). The Scottish Government is committed to ensuring that children's rights are reflected in the country's planning, development, and review of policies and services (The Scottish Government, 2012).

The Scottish Government publishes, reviews, and disseminates in a child language friendly manner the recommendations of the UN Committee Review and publically announces their commitment to continue to advance the rights of children while monitoring progress. Scotland also has a Commissioner for Children and Young People whose job is to make sure all children and young people in Scotland have their rights respected (Scotland's Commissioner for Children & Young People, 2008). Recently, more than 74,000 children and young people in Scotland were able to cast votes to choose the top issue they want policy makers and the Children's Commissioner to take action on (Scotland's Commissioner for Children & Young People, 2008). The Commissioner's website is child friendly and by including children's voices in decision making they take ownership over their rights.

A recommendation for Canada from the UN Committee is that a national commissioner for children be appointed. Australia appointed their first Commissioner for Children and Young People in 2007 (Commissioner for Children and Young People, 2012). Children and young people were involved in interviewing and selecting their commissioner. The Commissioner is independent, but has roles and responsibility defined in the *Commissioner for Children and Young People Act*. The Commissioner is tasked with improving the "wellbeing of children and young people by working with them, their families, community and Government in Western Australia" (Commissioner for Children and Young People, 2010, p. 2). Promoting child participation, influencing policy, services, attitudes, and outcomes are some of the key goals of the Commissioner (Commissioner for Children and Young People, 2010). The Commission is accountable for setting goals based on past Committee recommendations and developing strategies to meet and assess if goals are being attained.

These are three examples of countries that have successfully adopted a child-centered model to ensure that the BIC are being enhanced. Time, commitment, public awareness, and intentionality seem to be common themes that permeate all the models. Countries do not become child-focused overnight. Planning, strategy, and time are required for public awareness to grow. A commitment to integrate the BIC on all levels comes through education and teaching about child rights in an accessible vocabulary. Finally, a commitment to being intentional in including child rights in policy, practice, and programming is a common theme among these models.

Moral Agency Overview

Different implementation models of the BIC principle in different countries and situations were addressed in the previous section. In this section, the concept of moral agency will be addressed and examined. Human service executives from various sectors including, but not limited to, education, social services, health, and justice are those tasked with working primarily with children. They are those agents outside of the family, who educate, protect, heal, and make decisions on behalf of the child's best interest. In North American culture we have subscribed to African proverbs about needing a village to raise a child or use Latin terms like "in loco parentis" to describe our culture and roles. Since 1989, when the *United Nations Convention on the Rights of the Child* was adopted and ratified Canada has created policies at all human service levels to ensure the rights of children are being protected. Those human service executives, or agents, working directly with the best interests of the child are charged with the task of taking policy ideals and working them out practically. The next sections examine the concepts of agency, moral philosophies, and moral agency.

Agency

Agent is a term used differently by different sectors; the definition used for the purpose of this study comes from the etymology of the word. “Agent” comes from the Latin term “agere,” which simply means one who acts or “to do” (Garofalo & Geuras, 2006, p. 1). Garofalo and Geuras (2006) defined an agent, as a “two-place (A and B) relation” (p. 1) which means the agent is a “person who acts in behalf of another person, whom we will call, according to the current fashion in public administration literature, the principal” (pp. 1-2). Agency, involves the agent acting intentionally on behalf of the principal to make things happen (Bandura, 2001; Bergen, Dutta, & Walker 1992; Denhardt & Denhardt, 2011; Eisenhardt, 1989; Hodgkinson, 1991; Kivisto, 2005; Luthans & Youssef, 2005). Agency is the result of the capabilities, belief systems, self-regulatory abilities, and the variety of systems and opportunities through which personal influence is exercised.

The understanding of agency has evolved concurrently with the evolution of the psychological perspective of behavior and the brain. Early psychologists posited that behavior was the result of environmental and external forces that acted in an input-output fashion automating human behavior (Bandura, 2001). Traditionally, human cognition was identified by external expressions, excluding inner intelligence of values and feelings (Lakowski, 2005). This pre-computer perspective likened the mind to a biological calculator, a mindless organism, performing intricate functions and problem solving based on inputted stimuli. Since computers were able to perform the basic problem solving operations, regulative thought became a new possibility for human behaviour. The input-linear throughput-output model, where the mind was a digital computer became the new cognitive model. This model allowed for a cognitive dimension in human operations, although still lacking consciousness and agentic capabilities.

For decades, the dominant metaphor of human behavior was the computer metaphor, a linear computational system. This linear model was eventually replaced as more dynamic and complex computational models emerged. These models involved environmental factors initiating different neural pathways that produce an output. The process occurs mostly non-consciously (Bandura, 2001).

Bandura (2001) proposed that an intentional consciousness was what was missing in previous models of human functioning. Former models depicted human behavior as a mechanical process. Consciousness, Bandura (2001) posited, “is the very substance of mental life that not only makes life personally manageable but worth living” (p. 3). A consciousness is what makes us truly human, the ability to process, access, and manage information to construct a course of action. All the other subpersonal accounts limit human consciousness to a human who cannot imagine potential ends or act intentionally to achieve them. The “reductive accounts remain conceptually problematic because they omit prime features of humanness such as subjectivity, deliberative self-guidance, and reflective self-reactiveness” (Bandura, 2001, p. 3). Human evolution and survival depends on the ability to use the consciousness to make decisions about personal abilities and beliefs to predict the outcome and make the best plan for the future.

Research on the brain and neurological development show the important role agentic action plays in shaping the neurological pathways of the brain. Connectionism theorists explained brain functioning as interconnected neural nets that function in parallel as opposed to linear fashion (Lakomski, 2005). Neural net account described the process of brain functioning as an interconnected network of inputs, weights, and outputs (Lakomski, 2005). Weights strengthen and solidify specific patterns of functioning; determining behaviors exemplified and values embraced by individuals (Lakomski, 2005). Exercising agentic action via regulation of

motivation and activities, people produce the pathways and weights that in their brains lead to the enactment of symbolic, social, psychomotor, and other skills. Physical and social environments selected and constructed are obviously contributing variables in the creation of neurological pathways. Bandura (2001) rejects Descartes' dualistic perspective for a physicalistic theory of human agency and a nondualist cognitivism. Bandura's agentic theory posited that humans as agents "operate as thinkers of the thoughts that exert determinative influence on their actions" (p. 4). This means agents are able to regulate their actions beyond basic functions by using their consciousness to make decisions while responding to activation by sensory stimulation at the same time, thereby allowing these two functions to take place simultaneously.

According to Bandura (2001), a defining characteristic of agency is that it enables people to direct and own their personal development, decision making processes, reflective self-reactiveness (p. 3), and adapt according to situations and changing society. Bandura (2001) identified four core features of personal agency: intentionality, forethought, self-reactiveness, and self-reflectiveness, which will be explored below.

The first feature of agency is that humans have the ability to be intentional. Intention is defined as a "representation of a future course of action to be performed" (Bandura, 2011, p. 6). Consequences are the outcomes of agency being enacted. Intentions focus on a plan of action in the future and arise from a feeling of ownership (Pierce, Kostova, & Dirks, 2003). Intentions are often grounded in self-motivation and as which often involves other people and is subjected to their pursuits and intentions as well. Intention alone is not enough for agency because intention alone does not ensure realization of an action.

Forethought is a second characteristic required for agency. People set goals, anticipate consequences of different action plans, and select plans based on the likely outcome of desired products (George, 2007). This imagining process of forethought can provide motivation necessary to see a course of action through to the end. Future events cannot be the source of current motivation as they do not yet actually exist, but conceiving of future events can be converted into current motivation and behavior regulation for the present (Bandura, 2001). When an individual can bring anticipated future outcomes and consider their impact on future situations, the present circumstances are enacted in a way adapted to that future attainment (Melton, 1987). Human behavior is not only functional in nature, responding simply to external stimuli, instead people are able to maintain determined direction in the face of competing stimuli according to personally adopted beliefs and values (Bandura, 2001; Luthans & Youssef, 2005).

Self-reactiveness is a third characteristic of human agency. Self-reactiveness takes intentionality and forethought one step further linking thought to action via multi-faceted self-direction. Specifically, Bandura (2001) found that multi-faceted self-direction included “self-monitoring, performance self-guidance via personal standards, and corrective self reactions” (p. 8). Observing personal behavior, along with the rationalizing processes and environmental conditions is preliminary to influencing and changing through self-reaction. Goals, a value system, self-identity are a few of the standards by which individuals assess their progress and realign themselves to meet their desired outcomes (Luthans & Youssef, 2005). Goals on their own do not motivate though, they must be specific, challenging, and timely. Bandura (2001) stated that “moral agency forms an important part of self-directedness” (p. 8). A legitimate theory of moral agency must link moral knowledge and reasoning to moral action (Bandura 2001). Moral reasoning is translated into moral conduct through self-regulatory mechanisms

including moral judgment based on personal standards (Denhardt & Denhardt, 2011). Human capacity for self-regulation is what gives meaning to moral agency (Bandura, 2001). Self-regulation is what enables a person to keep conduct in line with personal standards, beliefs, and values.

Humans are not merely actors, but also self-examiners and reflectors of their actions and processes (Bandura, 2001). The fourth component of agency is the metacognitive ability of humans to reflect on their motivations, values, and purposes allowing individuals to pursue avenues of action that are more favorable than others (Eekelarr, 1994, Kidder, 2003). Capacity to exercise a level of control over personal functioning and external events is the key component of personal agency (Bandura, 1997). This belief in personal capacity, efficacy beliefs, is the foundation of human agency (Goddard, Hoy, & Hoy, 2004). People need to believe they have the ability to produce desired results by their actions or they have minimal reason to persevere in the face to adversity (Bandura, 2001; Goddard, Hoy, & Hoy, 2004; Kidder, 2003). Efficacy is a determining factor in whether or not people are able to produce the desired results, if an agent does not believe they can effect change by their actions they are unlikely to try (Bandura, 2001; Luthans & Youssef, 2005; Pierce, Kostova, & Dirks, 2003). Self-reflection is also a necessary component to stay current with ever changing technologies and initiatives. A self-reflective agent is able to identify areas where growth is needed and pursue those opportunities.

In summary, agency consists of four characteristics: intentionality, forethought, self-reactiveness, and self-reflectiveness (Bandura, 2001). Each of these components builds off of the other and is a condition necessary for the others to function properly. An individual who acts on behalf of another must possess the above characteristics to be an effective agent. The next section explores moral philosophies.

Principal-Agency Theory

A principal-agent relationship arises when one party, the principal, relies on another party, the agent, to assume some action on the principal's behalf (Bergen, Dutta, & Walker 1992; Denhardt & Denhardt, 2011; Eisenhardt, 1989; Hodgkinson, 1991; Kivisto, 2005; Luthans & Youssef, 2005). Jensen (2000) defined the principal-agent relationship as a contract under which one party, the principal, employs another, the agent, to perform some service on their behalf, which involves delegating some decision making authority to the agent. Conflict can arise if the agent will not act in the interest of their principals to the exclusion of their own preferences (Jensen, 2000), which is addressed in agency theory by aligning the interests of the principal and agent through contracts (Bergen, Dutta, & Walker, 1992). Historically, in principal-agent theory the agent generally receives some type of payment for the service performed for the principal (Kivisto, 2005; Luthans & Youssef, 2005). Aligning interests so that decisions are made in the best interests of the principal but also benefit the agent requires a level of trust (Kidder, 2003; Melton, 1987). Hartman (2000) defined three types of trust in principal-agent theory within the context of project management: Emotional trust is the ability to work and get along with someone else. Ethical trust is the confidence the other party will not behave opportunistically. Competence trust is the confidence that the other party is able and competent to achieve a successful outcome.

The concern and problem of principal-agent theory is how to ensure that the agents work on behalf of the interests and objectives of the principal (Kivisto, 2005). Two conditions exist in all principal-agent relationships: first, the potential for divergence of interests exists and secondly, informational asymmetries exist between the principal and the agent (Kivisto, 2005). If these two conditions did not exist, the principal would not be in need of an agent to act

on their behalf. From these two necessary conditions, two problems present in principal-agency relationships emerge. First, is the problem of adverse selection; this occurs if the principal is uncertain of the tasks the agent must perform and the personal characteristics needed to perform those tasks successfully and selects an incapable agent. Secondly is the problem of moral hazard that arises where the information asymmetry enables the agent to pursue personal interests at the principal's expense (Kivisto, 2005). Kivisto noted several problems that can arise from the adverse selection problem including low rate of productivity and inefficient utilization of available resources. A morally hazardous agent might mean an agent does not implement the agreed upon requirements or tasks and instead is "actively promoting their own objectives at the expense of Government funds and ends" (Kivisto, p. 4). Kivisto offered some suggestions to avoid agent-principal pitfalls. To reduce informational asymmetries, prospective agents can be actively screened beforehand to assure previous performance has been consistent. In the case of an agent who is a moral hazard there are only two options, monitor the agent's behaviour or create an outcome-based contract such as reporting procedures or additional management layers to assure the agent's behaviour is in the best interests of the principal. The basic concept of the outcomes-based contract is the achievement of goal congruence between the principal and the agent (Eisenhardt, 1989; Kivisto, 2005).

Quality assurance systems and evaluation processes are established in order to monitor activities. Quality assurance systems "can be established to demonstrate efficiency or effectiveness, to provide accountability regarding whether or not institutional intentions are fulfilled, or to provide assurances to the public regarding the achievement of the required level of quality (Kells, 1992; Kivisto, 2005). The principal-agency relationship has become a useful framework to explain accountability and obligation, but it fails to include the element of

morality. The next section looks at moral philosophy, and the concept of moral purpose, moral agency, and moral efficacy to provide a framework for human service executives.

Moral Philosophy

There is an assumption that those agents working as human service executives on behalf of children are moral. There is an expectation that individuals tasked with serving and being exemplars for the private citizens are expected to maintain a high ethical standard and develop a moral commitment in their actions (Denhardt & Denhardt, 2011; Eekelarr, 1994; Hodgkinson, 1991; Hunter, 1990; Kidder, 2003; Melton, 1987). Specifically, when it comes to agents working in the interests of children a higher level of ethical care is expected (Hunter, 1990). Ethical questions are a crucial part of any human organization because the purpose and vision of organizations are set according to human values (Hodgkinson, 1991). For the purpose of this dissertation, ethics, morals, and values are used interchangeably and refer to the discipline that concerns itself with decisions about what is right and wrong and whether or not these judgments are good or bad (Runes, 1964; Wiberg, 1985).

Society expects moral agents to act in a moral way when making decisions regarding the best interests of children (Eekelarr, 1994; Hunter, 1990; Kidder, 2003; Williams, & Murphy, 1990). Moral agents are tasked with enacting policy and making decisions in a virtuous way – thus exemplifying the moral agent role (Eekelarr, 1994). Despite efforts to systematize morality, agents still struggle with coming to perfectly satisfying moral conclusions. Walker (1998) described the conflict human service executives' face when having to navigate the BIC principle:

The lack of consensus with respect to what is meant by the best interest of the child in particular circumstances limits the use of this traditional criterion puts (sic) a great deal of pressure on decision makers to use their ethical discretion and dialogical competence to resolve difficult cases. (p. 293)

Ethical theories can help policy makers generate principles or criteria in advance to help agents make moral decisions. An ethical theory is largely determined by how it defines and connects the two notions of rightness and goodness (Wiberg, 1985). Ethical theory generally is separated into two categories, teleological and deontological, both of which yield principles for actions (Williams & Murphy, 1990). Kimmel (1988) provided useful definitions of each:

A teleological theory of ethics holds an action as morally right or obligatory if it or the rule under which it falls will produce the greatest possible balance of good over evil. The term deontology has evolved from the Greek *deon* (duty) and *logos* (science and reason), suggesting that certain acts are to be viewed as morally right or obligatory not because of their effects on human welfare, but rather because they keep a promise, show gratitude, demonstrate loyalty to an unconditional command, and the like. (p. 44)

Although teleological and deontological ethic theories have been the dominant ethical theories a third theory, virtue theory, has also emerged and all three will be discussed below along with their application to agency.

Teleological theory. Teleological theory, or greatest good perspective, determines if an action is bad or good based on the consequences. The teleological theory “views ethical action as directed toward the achievement of the (perhaps complex) good; an action (or the rules it follows) is to be judged by whether it serves to maximize the world’s goodness score (Wiberg, 1985). According to this teleological theory, which is also called consequentialism, the end goal justifies the means. The predominant theory of this kind is utilitarianism, which aims at the maximization of universal happiness as its desirable outcome. When it comes to decision making utilitarianism becomes the dominant default “since the practitioner, understandably, fails to see the underlying interdependence between principle, consequence and character” (Garofalo, 2003, p. 493). From teleology the following questions are usually derived: “What are the consequences of my action? What are their long-term effects? Do they promote the greatest happiness?” (Garofalo & Geuras, 2006, p. 12). For human service executives making decisions

in the best interests of the child, the answers to those questions may be difficult to determine with certainty, but the important consideration is that they be answered as fully as possible.

Deontological theory.

Deontology, considers actions to be good or bad in themselves, regardless of consequences. Duty-based theories, sometimes described as Kantian, are concerned with principles and rules that must be followed and are concerned with the moral quality of a person's acts, regardless of the consequences. Kant argued actions must conform to rational, consistent principles and provided three formulas that provide rational consistency: "Act according to a rule that can be willed to be a logically consistent universal law, treat all rational beings equally as ends in themselves, and act as a legislator in a kingdom of ends" (Garofalo & Geuras, 2006, p. 12). Deontology refers to the ethical position that "stresses principles, rather than consequences or character, as determinative of the moral goodness of an act" (Garofalo, 2003, p. 493). Kant emphasized that consistency was crucial to this ethical principle.

Recognizing the need to articulate principles that will guide agents in making decisions and prioritizing the *goods*, both teleological and deontological theories have been used. Hunt and Vitell (1986) concluded that "any positive theory of ethics must account for both the deontological and teleological aspects of the valuation process" (p. 7). Deontology looks at the principle and teleology looks at the consequences but both are necessary for ethical thinking.

Virtue theory.

The third ethical theory is virtue or character theory; in this case the morality of an act is determined "by the character traits it demonstrates. The object of moral evaluation is not the act itself but the character of the actor" (Garofalo, 2003, p. 494). A problem faced in many of the difficult cases moral agents deal with is that in using deontological and teleological theories to

create principles a clear divide exists on what was the “right” response in different crises (Williams & Murphy, 1990). Even in the best situations, moral reasoning can lead to ambiguous results. In many cases, ethical theories offer some guidance to decision makers as they seek the right choices between the conflicting goods. Fear is able to paralyze in these moments, causing some to remain inactive in the face of insecurity. Others innately know what to do, are able to rise to the occasion, and act courageously and virtuously. This theory presents a third ethical theory, characterized by intuition, professionalism, and autonomy. MacIntyre (1981) used the Aristotelian ethic of virtue to define virtue as “an acquired human quality the possession and exercise of which tends to enable us to achieve those goods which are internal to practices and the lack of which effectively prevents us from achieving any such good” (p. 178). Two points arise from MacIntyre’s definition of virtue; the first is that virtue is acquired and the second is that to act virtuously becomes the reward in itself. Virtue is acquired and cultivated by choice. The environments people work and live in can contribute to the growth of virtue. Being true to oneself becomes the reward of acting virtuously. A range of goods exists, from internal goods to good practices, and these are valued not because they yield a particular outcome but because they are a part of the human experience (Williams & Murphy, 1990). Those who subscribe to the ethic of virtue theory claim “that virtues make life interesting and worth living” (Williams & Murphy, 1990, p. 21). The ethic of virtue theory proposed that being human means living in community and developing the skills required to successfully coexist with others. Williams and Murphy (1990) explained the process of community living happens mostly through trial and error and the core values needed for community living are discovered through “such character traits as honesty, truthfulness, compassion, loyalty, and justice” (p. 23). Since moral virtue is

essentially making good judgments and assessments the characteristics necessary to see the good in situations must be cultivated.

For moral agents an ethic of moral virtue can be strongly cultivated by the organizational culture to which the agent belongs. The organization of origin can determine what the agent in effect “sees” when looking at the best interests of the principle. If efficiency and productivity are the only values reinforced, the agent will be inspired to complete the job as quickly as possible. Eventually the agent will have a constricted perspective that sees their world in terms of function. An organization may also try to instill a sense of morals in their employees. Generally, this is employed by creating standards of right and wrong as determined by rules, principles, or via assessment (Williams & Murphy, 1990). If the topic were being addressed from a theory of virtue where “all the rules and principles are, at root, an attempt to preserve a human way of life; thus, our most fundamental task in ethics today is not primarily concerned with analyzing situations so that one can make the right decisions, but rather with reflecting on what constitutes the good life” (Williams & Murphy, 1990, p. 24). Therefore, making right decisions is not merely a question of being analytical or rational but also includes being virtuous.

Aristotle discussed that one way of learning to see and act virtuously is by observation. “But the virtues we get by first exercising them, as also happens in the case of the arts as well. For the things we have to learn before we can do them, we learn by doing them, e.g. men become builders by building and lyre-players by playing the lyre; so too we become just by doing just acts, temperate by doing temperate acts, brave by doing brave acts” (Bk. II, Ch.1, 1103a). Through modeling what is already at the heart of an organization and the core values or code of conduct is put on display for all to see. Williams and Murphy (1990) suggested that an ideal family unit might be the best example of what the theory of virtue should look like when

enacted. “The sense of what constitutes caring or honesty or most other virtues is easily grasped by looking to the family” (p. 25). Only virtuous people can make prudent decisions about determining how much of each virtue is required in different circumstances.

Moral Purpose

Above the concepts of agency, agent-principal theory, and moral philosophy were reviewed and discussed. A purpose of this study was to understand how human service executives perceived their moral purpose, role as moral agents, and the struggles and challenges they faced in their moral efficacy when making decisions in the child’s best interest. A moral purpose becomes important when leaders are making decisions, managing people, or leading within their organization (Begley, 2010; George, 2007; Luthans, & Youssef, 2005). Other scholars approach moral purpose from different perspectives. Shapiro and Stefkovich (2005) approached morals from a legal perspective; whereas, Gross and Shapiro (2004) reflected a social justice view; Begley approached moral purpose from a cognitive processes orientation, and Evers and Lakomski (1991) maintained a pragmatic brain theory of coherence with the formation of ethical knowledge. Garofalo and Geuras (1999) proposed a unified ethic that integrated the major strands of philosophical ethics: deontology, teleology, and virtue theory into a unified whole. This unified ethic enables practitioners to take a broader approach to decision making with a more ethically sophisticated understanding. Garofalo and Geuras (1999) have taken the key principles of each ethic. Deontology is recognized because it appeals to the need for principles that appease the human need for rationality and consistency. Teleology appeals to the desire for happiness for others and ourselves. The ethic of virtue evokes the human need for excellence and character in decision making. The theory of the unified ethic proposed that each

of the above elements is linked to the other and can provide a foundation for the moral renewal and reconfiguration of public and private organizations.

The range of perspectives on moral purpose and moral theories is potentially confusing and “typically presented as abstract concepts stripped of any of the contextual details that would give them relevance and specificity in particular settings and in support of particular roles” (Begley, 2010, p. 37). Human nature dictates that individuals and societies are inclined to interpret principles and morals in ways consistent with their traditions and preferences as opposed to with a commitment to other agendas (Begley, 2010). Garofalo (2003) noted that public interest is the cornerstone between universal values and the justification process in decisions making. The public interest “embodies the common good, signifies obligation and accountability, and symbolizes reason and responsibility” (p. 499). Public interest captures the spirit and the substance of the unified ethic and when combined provides a foundation and framework for the moral agent.

Difficulties can arise when the agent interpreting the principle is expected to act as a moral agent. The pursuit of moral agency with moral purpose goes beyond addressing personal belief systems (Begley, 2010; Pierce, Kostova, & Dirks, 2003). Practicality and relevance are attractive to agents, whereas the philosophical aspect of morals, stripped of context is difficult to navigate, therefore “speaking of ethical actions within a specific professional context or through the use of heuristic applications of ethical postures appropriate to a professional or personal context” (Begley, p. 38) has merit. Begley argued that in a professional context where individuals are acting as agents of society, there exists a professionally appropriate sequence for applying a moral lens in creating a moral purpose. First, an ethic of critique is applied to understand and examine all perspectives. Secondly, an ethic of care follows to keep the focus on

the best interests of others rather than organizational policies. Finally, the ethic of justice can be applied to choose actions that will maximize benefits. Applying these lenses enables moral agents to evaluate their moral purpose and keep it at the forefront of their minds.

A level of ownership is involved with having a moral purpose. Pierce, Kostova, and Dirks (2003) stated that individuals maintained varying levels of psychological ownership for aspects of their environment, called targets. They defined psychological ownerships as “the state in which individuals feel as though the target of ownership or a piece of that target is theirs” (p. 86). Targets can be tangible items and less tangible items, in this case a purpose, mission, or an ethic. Moral purpose can be defined as “the extent to which leaders feel a sense of psychological responsibility over the ethical nature of their own actions, those of others around them, and their organization, or another collective” (Hannah & Avolio, 2010, p. 293). As Bandura (1991, 1999) proposed, individuals with a high sense of moral agency employed self-regulation techniques to adjust their behavior and through their behavior influenced their environment to align with their moral purpose. Melton (1987), a child advocate, wrote the moral purpose of other child advocates is to “endeavor to raise the status of children and increase the responsiveness and accountability of institutions affecting them” (p. 358). Moral agents develop such a sense of moral ownership over their moral purpose that they are motivated to act morally to meet the end goal. The next section looks at moral agency.

Moral Agency

The moral agent is the personification of the public interest and a unified ethic. The actions of “[a] morally upright agent would therefore serve his or her principal in a moral manner. Such an agent would be morally bound to pursue the aims of the principal but would do so without violating anyone else’s rights or otherwise doing anything immoral” (Garofalo &

Geuras, 2006, p. 2). The relationship between the agent and the principal is not always easily defined and multiple principals may compete for the attention of an agent at any given time. “The greater the number of principals and the more diverse their interests, the less the agent can be considered an agent of any specific principal. If the principals become too numerous, the alleged agent may cease to be an agent at all” (Garofalo & Geuras, 2006, p. 2). The more abstract the principal becomes, the harder for the agent to act on behalf of that principal.

The moral agent, as Garofalo and Geuras (1999) argued:

approaches management and policy issues with coherence, clarity, and conviction, as opposed to fragmented, short-sighted and self-interested thinking that is often characterizes as realism. The moral agent makes a conscious and consistent effort to consider the moral dimensions, implications, and foreseeable consequences of all the decisions and action in which she is involved [and she] directs her energy to the creation of common ground and collaboration. (p. 182)

In the case of this study the principal was the child and the moral agent was the human service executive tasked with the moral purpose of meeting the best interests of the child. Human service executives should hold unswervingly to the principle of the best interests of the child in the midst of daily challenges of budgets, agendas, turf wars, value conflicts and pressures to be efficient and functional (Melton, 1987). Both internal and external transparency, deep reflection, and accountability underlie the moral agents’ decisions and relationships (Pierce, Kostova, & Dirks, 2003). The moral agent should be able to address cultural and interagency “value conflicts, possesses a strategic grasp of organizational politics, understands the level of moral maturity of policy players, and has a developed sense of timing and tempo” (Garofalo, 2003, p. 499). Moral agents are required to act practically and morally in difficult situations.

Denhardt and Denhardt (2011) addressed the focus principal-agency theory has placed on accountability and obligation without accounting for morality. A lack of emphasis on morality

has led to the appearance of three paradoxes for agents: the paradox of obligation, the paradox of blame, and the paradox of accountability. The paradox of obligation suggests that if public servants are free to choose actions while simultaneously being obligated to act according to predetermined policies then if they do exercise their free choice as agents, they violate their governing authorities. The paradox of agency suggests that acting as a moral agent conflicts with being accountable to others and being morally innocent necessitates a denial of individual agency. Finally, the paradox of accountability is the dilemma that:

Public servants are accountable solely for the effective achievement of purposes mandated by political authority, then as mere instruments of that authority they bear no personal responsibility as moral agents for the products of their actions. If, on the other hand, public servants actively participate in determining public purposes, their accountability is compromised and political authority is undermined. (Harmon, 1995, p. 164)

Public agents are called to be accountable, obligated, responsible, and moral; to choose any of these qualities above others, despite the tensions and difficulties involved, undermines the democratic process (Denhardt & Denhardt, 2011).

Moral agency combines Bandura's (1991, 1999) theory of moral ownership (Pierce, Kostova, & Dirks, 2003) and agency. Moral agents identify deeply with moral purpose to the point of moral ownership that creates a deep-rooted courage to act morally (Kidder, 2003). Hannah and Avolio (2010) described moral agency as the courage to act "against group norms in order to act in line with one's internal values" (p. 296). Kidder (2003) described moral agency as "a commitment to moral principles, an awareness of the danger involved in supporting those principles, and a willing endurance of that danger" (p. 7). Moral agency aligned with the BIC principle "consists of social action on behalf of children, whether to increase their self-determination or to enhance the social, education, and medical resources to which they are

entitled” (Melton, 1987, p. 358). The next section explores how moral purpose and moral agency require moral efficacy.

Moral Efficacy

Role perception, or how decision-makers conceive of their role in relation to the application of the BIC principle, may differ across professions and sectors. Many human service executives may occupy traditional *status* fiduciary roles (parent/child; lawyer/client; doctor/patient; trustee/beneficiary). Their conception of the fiduciary duty may influence their respective decisions on how to apply or balance the BIC in light of competing considerations and interests. In contrast, service-providers conceiving of their role as a *protector* or *enforcer* of a child’s human rights may assume an advocacy role. A role of advocate for the child may influence the interpretation of the BIC to include assertions that a child’s voice has a right to be heard and considered in the decision making process. Other service providers may conceive of their role as crown agents, performing public duties on behalf of the state. A crown agent may conceive of the BIC and apply it in a manner differently from someone that conceives of herself as an agent for a child. In the education profession, BIC may be viewed as an extension of *in-loco parentis* authority and applications and balancing of best interests influenced by the assumption of this role. Below, the concepts of self-efficacy, decision making, and moral efficacy are examined.

Self-Efficacy

A significant facet of enacting agency is self-efficacy which “... is the foundation of human motivation, well-being, and accomplishment” (Bandura, 2006, p. 3). People must believe that they can influence change and achieve results or they have little motivation to persevere or take action (Pierce, Kostova, & Dirks, 2003). There are other contributing factors that influence

the decision making process; however, these can generally be overcome if the individual has self-efficacy, a belief that they can effect change.

Bandura (2006) stated, “the belief in one’s efficacy is a key personal resource in self-development, successful adaptation, and change” (p. 4). Self-efficacy affects cognitive, motivational, affective, and decision processes. Individuals with a high self-efficacy maintain that through perseverance and personal development and creativity, challenging circumstances are resolvable, whereas, individuals with low self-efficacy give up quickly and are easily discouraged (Goddard, Hoy, & Hoy, 2004; Kidder, 2003). Efficacy beliefs affect how decisions are made and “determine the choices people make at important decisional points... which can profoundly affect the courses lives take” (Bandura, 2006, p.4). Self-efficacy involves an individual’s self-perception about their abilities to understand, plan, and implement to attain a predetermined goal.

Judgments of self-efficacy are based on beliefs of individual capacity and capabilities and may not always be an accurate representation of reality (Goddard, Hoy, & Hoy, 2004).

According to Bandura (2006), “slightly overestimating one’s actual capabilities has the most positive effect on performance” (p. 4). More often than not, individuals underestimate their abilities and capacity thus minimizing the effort they put forth when pursuing different courses of action, undermining themselves.

There are several forces that shape efficacy including: mastery experience, vicarious experience, social persuasion, and affective state (Bandura, 1986). Master experience is the most powerful force affecting efficacy as once an individual has mastered one performance an expectation is built that future performances will also be successful. Vicarious experience is when efficacy is acquired by watching someone else perform a skill, especially when the skill is

modeled well. Social persuasion includes encouragement, persuasion, or feedback about a performance from someone in authority. The strength of the level of efficacy acquired through vicarious experience depends on the expertise and credibility of the persuader (Bandura, 1986). An individual's affective state adds to an already existing personal perception of self-efficacy, especially in situations of anxiety or excitement. An individual must take the affective state into consideration prior to making decisions.

Self-efficacy is necessary for decision making and navigating through competing interests. A moral agent's level of self-efficacy to make decisions arises from beliefs in their personal capabilities and effort. A second factor effecting self-efficacy in the decision making process is the "changeableness or controllability of the environment" (Bandura & Wood, 1989, p. 805) reflecting the opportunities and freedom for an agent to exercise their freedom within a given system. An agent's "self-efficacy is a generative capability in which multiple sub-skills must be continuously improvised to manage ever-changing circumstances" (Bandura & Wood, 1989, p. 805). Individuals with the same sub-skills may, therefore, perform at varying levels based on their self-beliefs or efficacy, which determines how well human service executives use the capacities they possess. Bandura and Wood (1989) posited that human behaviour is governed largely by an individual's perception of personal efficacy and social environments rather than simply by their objective characteristics. This behaviour is reflected in practice as individuals who believe themselves to be inefficacious are most likely to affect limited transformation, even in environments that provide many opportunities for them to be successful. Conversely, those individuals with a firm belief in their efficacy, through personal creativity and perseverance, determine ways of exercising some measure of control, even in environments containing limited opportunities and many constraints (Bandura & Wood, 1989).

In social cognitive theory (Bandura & Wood, 1986), an agent's perceived level of self-efficacy is the determining factor in self-regulatory mechanisms controlling human motivation and action. Personal perception of efficacy has numerous psychological effects influencing motivations, pursuits, personal goals, thinking processes and effort (Bandura & Wood, 1989; Pierce, Kostova, & Dirks, 2003). Individuals with a strong sense of efficacy set higher goals and have higher commitment to goals whereas those with doubts about their efficacy are prone to becoming introspective about their deficiencies, focusing primarily on the negative outcomes thereby undermining their ability to succeed (Bandura & Wood, 1989; Luthans & Youssef, 2005; Pierce, Kostova, & Dirks, 2003).

A correlation exists between the level of constraint in an environment and the level of perceived self-efficacy needed to meet a desired outcome. The more structured the environment, the more self-efficacy is needed to effect changes (Bandura, 1989). An agent's perceived self-efficacy for success is lowered if performance standards are unattainable and the environment uncontrollable and "the view that one can change the level of organizational functioning promotes resilience of self-efficacy in the face of recurrent difficulties" (Bandura & Wood, 1989, p. 812). Resilient self-efficacy is of considerable value to agents working with children because those agents have a "self-efficacious orientation that sustains perseverance in the face of failures and setbacks, fosters a task-diagnostic focus for learning from one's mistakes, and predisposes construal of obstacles as challenges rather than as reflections of personal deficiencies" (Bandura & Wood, 1989, p. 812).

Self-efficacy is a key component for human service executives making decisions in the child's best interest. Human service executives are faced with competing stakeholder claims, a wide range of information from multiple sources, and further pressures, as they are responsible

for determining the fate of humanity's most vulnerable (Eekelarr, 1994; Hunter, 1990; Kidder, 2003; Williams, & Murphy, 1990). There are many decision making models, but when faced with time restriction and competing needs human service executives could benefit from hearing and watching others in similar positions dealing with similar scenarios and learn from those experiences to improve decision making in the child's best interest.

Decision Making Processes

Decision making is a key component in the attainment of desired outcomes. Research on human decision making has primarily been centered on single trial decisions made in fixed environments (Bandura & Wood, 1989). These types of studies do not provide the rich descriptions needed to create helpful models of decision making in "dynamic naturalistic environments that entail learning and motivational mechanisms" (Bandura & Wood, 1989, p. 805). When making actual decisions in real world environments, decision makers must weigh and incorporate a wide range of information coming from multiple sources (Eekelarr, 1994; Hunter, 1990; Kidder, 2003; Williams, & Murphy, 1990). Time restrictions, competing needs, and activities dictate most decisions being made. The decision making process is learned through exploratory experiences over the course of time, managing multiple ongoing activities. "It requires a reliable knowledge base and efficacious use of cognitive skills to ferret out relevant information, construct options, and test and revise one's knowledge on the basis of results of decisional actions" (Bandura & Wood, 1989, p. 805).

Stewart (1984) provided an overview of the changing nature of decision making in organizations and provided an ethical framework for making hard decisions. Responsibility in organizational decision making requires careful attention to the treatment and definition of values in these competing claim encounters. Stewart proposed managers in public organizations

need to be recognized not just as a process manager but also as an “active ethical agent in this context” (Stewart, 1984, p. 18). The mandate for human service executives to follow predetermined processes fails to service human interests, since the public interest is best served by a system where operational responsibility for making hard decisions between competing claims requires a value analysis. Stewart proposed that conventional responses to decision making must be abandoned if human service executives are to become value assessors. Both descriptive and prescriptive responses cause the public administrator to fear repercussions from the organization. Situations demand sensitive and creative responses, but this requires a framework for value decision making, one where the human service provider is an active moral agent in the process.

Stewart (1984) addressed the fact that many governmental organizations are so institutionalized that decision making has become prescribed. While organizational norms set the context within which moral decisions are made, a sort of moral community, the human service executive is still responsible for implementing and deliberating decisions. Even while negotiating between competing interests and stakeholders to act on a particular issue, if the “manager is to be cast as a moral agent in these competing claim controversies, analytical tools are needed to reduce the pervasive ambiguity around issues of obligation, authority, and responsibility for personnel actions” (Stewart, 1984, p. 19).

Stewart’s (1984) framework provided human service executives with three considerations for ethical decision making. The framework helps human services executives identify interests that need to be considered, provides analytical tools for assessing relative degree of obligation generated by each interest, and incites reflection on issues of authority and responsibility in decisions making. The first part of Stewart’s framework used stakeholder theory to identify

those interests of the general public when making decision about a competing claim.

Stakeholders are identified as individuals, groups, or classes of people affected by the decision made by those in public administrative positions (Stewart, 1984). Stakeholders have a right to voice concerns and needs related to specific decisions that affect them.

The second part of the framework provided human service executives with analytical tools for assessing the relative degree of obligation generated by each identified interest. Obligations, for decision-makers, can be distinguished by looking at the different demands. Using a simple conceptual framework, negative and affirmative obligation can be identified. Stewart defined ethics in public administration as the “obligation to avoid injury” (Stewart, 1984, p. 19). As opposed to seeking any doing of good or pursuing any type of social justice agenda, Stewart focused primarily on avoiding injury.

The last part of Stewart’s framework involved reflection on issues of authority and responsibility in decision making. Once the human service executive has identified the potential stakeholders, or affected parties in a situation they identify the interests of each party. Finally, the agent considers the nature of all conflicting values among the stakeholders and rates the relative importance of each value. In this final sorting and rating process, human service executives employ their own moral systems. Ultimately, an ethical reflection framework of decision making is recommended – where human service executives are acting as moral agents instead of passive actors, void of conscience. The human service executive as a moral agent and decision maker is an “active listener who sensitively and thoroughly considers the competing interests at stake, exercises informed moral judgment regarding the balance of these interests, and purposefully adopts the decisions premises guiding action” (Stewart, 1984, p. 22).

Merton (1987) believed that “because determinations of children’s best interests typically are forward-looking, they involve predictions and therefore are probabilistic in nature. Moreover, best interest itself is such an amorphous concept that it invokes indeterminacy in decision makers” (p. 365). Moral agents making decisions using the BIC principal face a multitude of competing interests as they try to make predictions about what is in the best interest of an individual child. Amid the decision making process exists a “central ethical problem of child advocacy is the risk that, amid these multiple and often confused interests, advocates with apparently noble intentions will use children – even their own children – to promote other interests” (Melton, 1987, p. 359). A problem jeopardizing the enhancement of the BIC principle is the amorphous nature of the concept and the array of competing interests and self-interest of the moral agent.

Moral Efficacy

There is growing recognition that moral agents are facing more ambiguous and complex moral challenges, while addressing the tensions of competing needs and multiple stakeholders (George, 2007). Moral efficacy is a “psychological state marked by an experienced sense of ownership over the moral aspects of one’s environment, reinforced by efficacy beliefs in the capabilities to act to achieve moral purpose in that domain, and the courage to perform ethically in the face of adversity and persevere through challenges” (Hannah & Avolio, 2010, pp. 292-293). Different contexts or environments can affect moral efficacy. Hannah and Avolio (2010) proposed moral efficacy provides moral agents with psychological resources to bridge moral thought to moral action. Moral action, or decision making, arises when human agency, moral purpose, and self-efficacy are combined (Hannah & Avolio, 2010).

Moral agency relies on moral efficacy to provide the psychological confidence and belief necessary to organize and mobilize the motivation, resources, and action plans necessary to attain, maintain, and persevere in the face of adversity (Bandura, 1997; Hanna & Avolio, 2010). Moral efficacy can vary across different contexts and situations and can increase through repeated successful experiences (Bandura, 1997). Luthans and Youssef (2005) suggested two dimensions of moral efficacy existed: magnitude (the level of difficulty expected in performance ability) and strength (the confidence to perform the level required). In summary, as Bandura (1997) established there are four major determinants of self-efficacy (moral or otherwise): enacting mastery experiences, vicarious learning, social persuasion and feedback, and psychological and emotional arousal. Any of these determinants can be applied and implemented to increase an agent's moral efficacy.

Conceptual Framework

This chapter has reviewed the literature related to the best interests of the child, models related to employing the BIC principle in different countries, moral purpose, moral agency, moral efficacy, and decision making processes. Figure 2.1 provides a conceptual diagram of the interplay between the concepts outlined in the literature review.

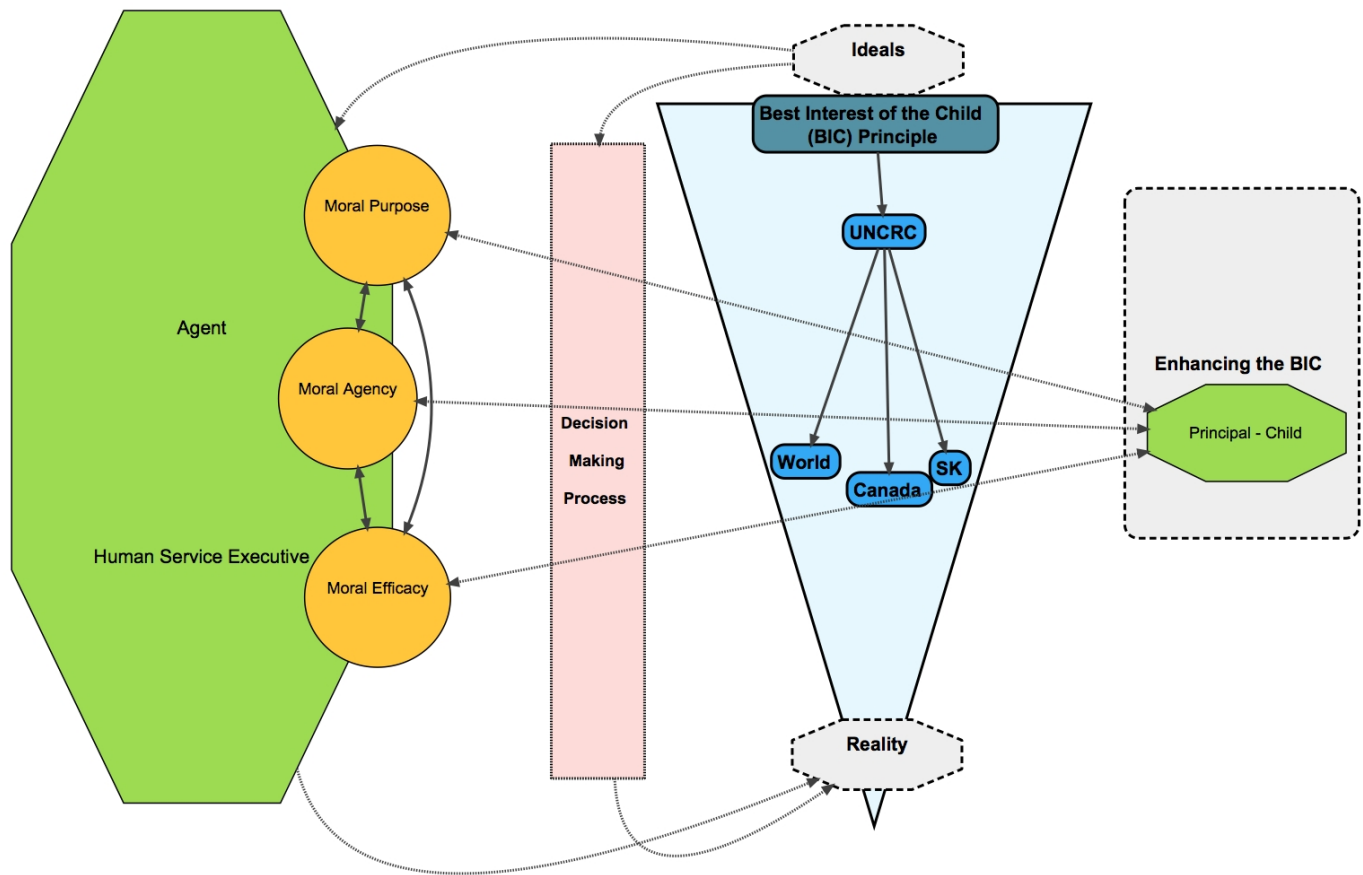


Figure 2.1: Conceptualization of moral purpose, moral agency, moral efficacy and deliberating on the best interests of the child

For human service executives to successfully make decisions for the best interests of the child first they need moral purpose. In this case, enhancing the best interests of the child is the moral purpose. The moral agent acts on behalf of the principal, in this case the human service executive acts on behalf of the child with the moral purpose to enhancing his/her best interests. Moral efficacy, the ability to act courageously and morally in the best interests of the child is the third component in the decision making process. Moral purpose, moral agency, and moral efficacy are all required to inform each other to make wise decisions on behalf of the child's best interests.

The lens through which decisions are guided is ultimately the BIC principle as reflected in the *UNCRC*. Following iterations, descriptions, and models from policies and in practice at an

international, national, and provincial level evolve to create an ideal BIC standard. The BIC lens provides the ideal for agents to strive towards in enhancing the best interests of the child.

Finally, the decision making arena is where reality exists. This arena represents current and past endeavours, accountability standards, initiatives, and frameworks to make decisions on the child's behalf and in their best interests. The components of the model are constantly informing and refining the others, helping human service executives to make decisions in the child's best interests.

CHAPTER 3

Research Methodology

In this chapter, I outline the research design and specific methodological procedures used in this qualitative study. Rooted in the interpretive paradigm, this study was a semi-structured interview investigation, which employed a Generic Inductive Qualitative Model (GIQM) approach to analysis to understand participant perspectives and insights. As a researcher, my epistemological assumptions, as well as the nature of the research questions, determined my choosing both the interview method for data collection and using the GIQM for data analysis. Data analysis was framed by the research questions. In this chapter, the methodology used is presented, including an overview of the research rationale and design, participant selection, interview method, data analysis procedures, approaches taken to ensure trustworthiness of quality, and the ethical considerations undertaken.

Research Rationale and Design

The research design for this study was constructed with the purpose of identifying Saskatchewan human service executives' insights with respect to the best interests of the child principle as these informed practice, policy, and research in human services and, secondly, to examine their perceptions of moral purpose, agency, and efficacy in the application of the BIC principle. This study was situated within the interpretive paradigm (Denzin & Lincoln, 2005). I approached this research from the interpretive paradigm because I believe knowledge and meaning are constructed from participants' understandings and realities. The interpretive paradigm takes an inductive approach to research and is primarily concerned with the gathering knowledge, understanding of phenomena and the meanings that people bring to them (Bogdan & Bikken, 2007). Thomas (2007) noted, "the primary purpose of the inductive approach is to allow

research findings to emerge from the frequent, dominant, or significant themes inherent in raw data, without the restraints imposed by structured methodologies” (p. 238). Research paradigms determine the approach, research methods used, purpose of the research, and the roles of the researcher (Glesne, 1999). The notion of multiple realities and social constructions of meaning or knowledge was fundamental to this study. Next I will discuss the researcher as the research instrument.

The Researcher

The researcher is the main research instrument in the interpretive paradigm as they are responsible for observing, questioning, and understanding various perspectives (Glesne, 1999; Lincoln & Guba, 1985; Patton, 1990). Positioning myself within the research was important as this helps readers to understand the research processes, heightens the level of “quality and rigor” (Lincoln, 1995, p. 280) and provides the lens through which to analyze the research.

My interest in the topic of the best interests of the child developed over the years. Growing up as the child of avid globetrotters, I saw firsthand the range of conditions children lived in both internationally and locally. As a teenager and into my early twenties, my interest in working with children was manifest in my volunteering locally and abroad to help improve the conditions for children. At university, I completed a degree in education and as a teacher I developed a passion for working with high-risk students in community schools. In my classrooms I witnessed the effects of external factors (poverty, abuse, housing, etc.) on my students’ abilities to thrive in and out of the classroom. As a teacher, I also worked with individuals from various agencies to ensure the best interests of my students were being addressed. I was thankful for the broad network of agencies that worked on behalf of my students, but I also noticed gaps and overlaps that may have contributed to inefficiencies in service.

I believe that our most vulnerable populations deserve to have their needs and rights protected. I wanted to research the best interests of the child so that I could shine a light on the current situation of children in Saskatchewan and contribute to enhancing the situation for children in the future. I have been fortunate to be involved in previous research projects wherein I have been able to interview people from different backgrounds and levels of expertise. My experiences as a teacher and a researcher contributed to my ability to relate to participants in a manner that quickly put them at ease, while assuring their confidentiality and anonymity. By nature, I am inquisitive and genuinely interested in understanding and knowing. I recognize that my life experiences and roles have contributed to my current beliefs, ideals, and my ideas about this research.

I recognize that as the primary research instrument, my beliefs and ideas have the ability to bias the results of my study. In an effort to ensure the trustworthiness of the study, I wanted to make explicit any biases that I might have engendered in the study and display the effort I sought to implement to ameliorate my biases. First, as noted above, I feel indignant towards injustice and especially towards injustice related to children. This study was focused on human service executives and not on injustices related to children. While stories of injustices may have arisen during the interviews, I kept the focus on the experiences of the human service executives and not on the particulars of injustices. A second bias I have is impatience with bureaucracy and this is an area that I needed to be consciously aware of during the course of this study. My participants worked within bureaucratic systems and while I have had my own experiences with the negative side of bureaucracy, I did not ask human services to speak specifically to constraints of bureaucracy. I did find myself feeling frustrated facing some of the bureaucratic barriers during this study, specifically following policies to conduct interviews, but I had to put those

feeling aside and engage fully in the interviewing processes. I believe being aware of these biases and checking myself to make sure they were not interfering with the interview process or data analysis and synthesis were very important to ensuring the trustworthiness of this study.

Qualitative Methodology

Interpretive researchers come from a position that they are adding “voices of individuals to knowledge” (p. 5) and that reality is socially constructed. Since I was concerned with understanding perceptions and insights, a qualitative approach was used to collect data and provide depth and description necessary to answer the research questions.

Creswell (1998), defined qualitative research as follows:

Qualitative research is an inquiry process of understanding based on distinct methodological traditions of inquiry that explore a social or human problem. The researcher builds a complex, holistic picture, analyzes words, reports detailed views of informants and conducts the study in a natural setting. (p. 15)

Researchers using qualitative study can explore individuals, organizations, relationships, communities, or programs (Yin, 2003) enabling the researcher to deconstruct and then reconstruct meanings and knowledge (Baxter & Jack, 2008). I determined that semi-structured interviews would be the method that would best allow me to collect participants’ perceptions of reality and that through semi-structured interviews I would be able to ask probing and clarifying questions to gain perspectives and insights. I initially used interpretive analysis (Starks & Brown Trinidad, 2008) and relied on Strauss and Corbin’s (1990) three-pronged approach for coding data. Following discussion with my committee I recognized that my analysis more closely aligned with the Generic Inductive Qualitative Model (GIQM), as described by Hood (2007). As a result of the recommendations from my committee I made changes to my original chapter 3, chapter 4 and chapter 5 to conform more closely to the procedures of the GIQM. I will expand on this method later in this chapter.

Following the data collection and analysis, I was able to categorize data from interviews and then to connect these data to extant public documents referenced during interviews and found in the literature review to construct a holistic understanding of the BIC principle as perceived in Saskatchewan by human services executives. As indicated in the significance section of Chapter 1, my aspiration was that human service executives would be able to use the understandings gleaned from this study to more purposefully and effectively implement the BIC principle across human services in Saskatchewan and, thereby, enhance the positive impact of services and the well-being of children. An overview of the research approach for this study is displayed in Table 3.1.

Table 3.1

Overview of the Research Approach for this Study

Paradigm	Interpretive Design
Methodology	Qualitative
Method/Data Collection	Interviews Transcription Review
Method/Data Analysis	Generic Inductive Qualitative Model (GIQM) Interpretive Analysis and Synthesis to Arrive at Findings Triangulation of Findings with Extant Public Documents Final Presentation of Findings as Related to Research Questions
Product	Fulfillment of Study Purposes and Provision of Responses to Research Questions Development of Implications for Policy, Practice, and Further Research from Findings

Research Method/Data Collection

This section will discuss the research method used in this study, including participant selection and interview method. Consistent with the philosophical underpinnings of the interpretive paradigm, qualitative research such as this study can use multiple data sources to enhance data credibility (Patton, 1990; Yin, 2003). To enhance credibility in my research, data were collected for this study using interviews and data from the interviews were analyzed in combination with extant public documents to contribute to the overall understanding of the human service executives' perceptions. In this section an overview of the participant selection, the interviews, and data collection process is provided.

Participant Selection

According to Stake (1995) data must be collected from participants whom the researcher is most likely to discover the information needed. Likewise, Creswell (2007) explained that a purposive sample “will intentionally sample a group of people that can best inform the researcher about the research problem under examination” (p. 118). As I will describe, purposive selection was used to identify and invite participants into this study.

Prior to the commencement of this study, I developed a map of the social networks of persons, agencies, and offices in Saskatchewan who played a role in providing services for children and youth (see Appendix H). I developed this initial map by starting with an Internet search to uncover the agencies, programs, departments, institutions, and individuals within the Province of Saskatchewan who worked on behalf of children. Secondly, I separated the list into regions and had phone conversations with all the Regional Intersectoral Committee (RIC) Co-ordinators in Saskatchewan. The RIC Co-ordinators were able to provide an overview and contact information of the significant people within their regions who worked on behalf of

children. Many of these significant people were contacted via email and also telephone and were able to expand the network by using this snowball technique. In the end, the population in the social network map represented over 436 people. From this social network map, I separated individuals into one of four sectors: education, social services, justice, and health care. Once individuals were assigned to sectors I further separated them by program/employment and finally by title/position. Using this method, I was able to identify significant individuals who had taken a leading role in Saskatchewan in relation to the best interest of the child. This social network map became the pool for my purposive selection. In chapter four, I provide the context and a description of the individuals who were selected as participants.

Overall, 11 human service executives participated in the interview process of this study and one withdrew prior to data analysis. These participants were chosen using three predetermined criteria, including:

1. Participant worked predominately in Saskatchewan.
2. Participants were considered to be working at an executive level within a human service profession (Government official, executive director, academic, policy maker, coordinator, advocate, or commissioner) and in a role where they are indirectly or directly responsible for the provision of services for/or concerning children and youth. This responsibility was often at policy and/or practical level.
3. Participant agreed to participate in the research under the conditions and for the purposes set forth in their invitation.

To narrow my options, I contacted those individuals who held the most significant offices at the time of selection. In general, I attempted to have balanced representation from the health, justice, social services, and educational sectors. I began the data collection process after

permission was granted by the University of Saskatchewan Behavioural Research Ethics Board (see Appendix D) to conduct interviews with human service executives. Each participant was initially contacted via email with a letter describing the study (see Appendix A) and with an attached consent to participate form (see Appendix B). All selected participants were contacted with a follow-up phone call or email to see if they were interested in participating in the study and to arrange a time for an interview. In this initial contact, I introduced myself, indicated how I had identified them as potential participants, provided an overview of the study and a projected time frame for the project. In a few cases, I was directed to other individuals in the same office who were more equipped or more available to participate. A minimum of 45 minutes was requested for the interview time period and participants were asked to choose the time and location.

Interview Method

Interviews can provide insights related to participants' experiences, understandings, and viewpoints of a particular topic (Turner, 2010). There are a variety of interviews that can be used to elicit thick, rich data from a qualitative investigational perspective (Creswell, 2007). Gall, Gall, and Borg (2003) summarized three key formats for interview design: (a) informal conversational interview, (b) general interview guide approach, and (c) standardized interview. For the purpose of this study, the general interview guide approach was utilized. Also known as semi-structured interviews, the general interview guide is slightly more structured than informal conversational interviews; although the method is still flexible (Gall, Gall, & Borg, 2003). DiCicco-Bloom and Crabtree (2006) suggested that semi-structured interviews "are usually scheduled in advance at a designated time and location outside of everyday events. They are generally organized around a set of predetermined open-ended questions, with other questions

emerging from the dialogue between interviewer and interviewee/s” (p. 315). With the semi-structured approach I was able to retain control, direct the interview, but I was also able to adapt questions according to my own unique interviewing style to guide the conversation and elicit responses (Turner, 2010). For the purpose of examining perspectives of human service executives, the flexibility provided by general and semi-structured interviews allowed for rich descriptions to be provided as well as syntheses of findings to be made, since the same questions were asked of all participants.

The interview questions were developed in order to answer the six central questions of the research study (see Appendix C). I endeavoured to create a variety of interview questions to unearth various aspects of each of the research questions. I created a matrix with the research questions along one axis and the interview questions along the other axis. Creating this matrix allowed me to check off which interview question corresponded to which research question, ensuring I had several interview questions aimed at answering each research question. The questions were tested and refined through pilot testing (Creswell, 2007) with fellow graduate students to determine if the questions were relevant, clear, and time manageable. An issue that can arise from this type of interview is that questions may not be asked with the same wording or in the same manner (Turner, 2010). For the purpose of this study, and to avoid inconsistencies in answers, a predetermined list of questions were asked using the same wording but secondary, probing, questions were asked without a script to clarify and elicit more information.

I began contacting participants about participation in September of 2014. I found it was difficult to establish interview times for this study. Considering the high level positions held by my participants, the times and locations were dictated by the constraints of busy schedules. In all cases I was arranging interviews through personal assistants and did not have the opportunity to

develop rapport with interviewee with my initial phone call. In many circumstances interviews needed rescheduling to accommodate urgent matters. In some cases, this left several months between initial contact arrangements with assistants and the actual interview. Data for this study were collected between January 2014 and June 2014.

As an interviewer my job was to facilitate depth by creating a comfortable environment where participants felt at ease expressing their experiences, opinions, beliefs, and decisions (Bodgan & Biklen, 2003; Turner, 2010). I tried to create a comfortable environment by allowing the participant to select the location and time the interview would take place. The interview setting varied; some took place in business offices; while others took place over the telephone. To develop rapport and create ease, I spent the first five to ten minutes describing my background and the research project and then I asked the participant about their backgrounds, how they had arrived in their current positions, and then probed with genuine and personal questions in response to their descriptions, such as might trigger reflection and create comfort prior to asking the primary interview questions. Another factor that may have contributed to creating rapport was that the interviews were audio recorded, which allowed me to actively engage in the listening process by learning forward, responding attentively, and maintaining eye contact.

In the end, there were 11 participants selected for this study (ten whose interviews were used for the final product) and I believe that from these interviews I was able to extract the descriptions necessary to answer the research questions. Originally, I had anticipated that a second interview might be conducted, as necessary. Two factors contributed to not conducting a second interview. First, participants requested the interview questions in advance. I had not originally planned to provide questions in advance, but due to the participants' executive level

status the questions were required in order for participation. Since the participants had the questions, they were able to prepare thorough answers in advance and I could spend time clarifying responses. Secondly, the rapport and ease with which conversations took place enabled me to ask clarifying questions and obtain thick descriptions during the allotted 45-60 minute time frame. Thick description refers to the detailed account of experiences in which the researcher makes explicit the patterns of cultural and social relationships and puts them in context (Holloway, 1997). Within each interview there was uniqueness in regards to context and experience, but repetition was occurring with regard to content. For example, when asked about how decisions about the best interest of the child are typically made in Saskatchewan, contexts differed depending on the sector but all participants referenced legislations or policies that dictate how decisions are to be made. A different example was the questions regarding how various deliberations have given attention to the standards set forth in the *UNCRC*. I discovered rather quickly in the process of interviews that with two exceptions, participants were not aware of specifics related to this Convention and that further probing would not elicit deeper insights. Any further questions or clarifications were addressed when the participants reviewed and edited transcriptions. The process of reviewing transcripts is addressed in the next paragraph.

Once interviews were completed they were transcribed for analysis. The interviews had been audio recorded and were then transcribed verbatim. Prior to analysis, the transcriptions were returned to each of the respondents for verification of accuracy of statement and participants were asked to sign a consent form for data transcription release (see Appendix E). All transcripts were returned for verification by the end of June 2014. During the process of reviewing the transcriptions, eleven of the participants edited their transcript prior to signing the consent to release and one participant chose to withdraw from the study. Edits included basic

sentence structure, adding to or deleting portion of text. This editing process required several reminder emails and it took until September 2014 for all transcriptions release forms to be returned. One participant chose to withdraw following this stage in interview process. In this case, several iterations of edits occurred and the participant eventually determined that he/she was not comfortable releasing the data. The next section of this chapter will provide a description of the document analysis process used to verify, interpret, and synthesize the data.

Data Analysis and Synthesis

As noted above, during my defense the committee noted that my analysis processes more closely resembled what Hood (2007) and Thomas' (2006) term the Generic Inductive Qualitative Method (GIQM). Hood described a few key features of GIQM that resonated with my study.

1. Questions get at processes rather than variance.
2. Researchers normally move back and forth among data collection, data, analysis, study design and focus, and emerging theory. However, the GIQM allows for the use of existing theory in developing one's question as well as interpreting results.
3. Analysis of data begins with the first observation and continues as additional data are collected.
4. Coding focuses on themes and comparing cases to each other.
5. Goal of design is interpretation of rich data.

Data analysis is the process of converging and comparing the collected data (Creswell, 2002). I originally relied on a three-pronged approach for coding data, but following the advice of my committee I engaged in a process of re-framing my data analysis process in order to elaborate on the procedures used for data analysis. I originally used an analysis process often associated with Strauss and Corbin, but have reframed from a GIQM perspective.

Thomas (2006) described the key features evident in the GIQM approach and outlined a set of procedures that could be used for the analysis of qualitative data. Thomas described a process of inductive coding which I have used to reframe my analysis process. GIQM looks at the core meanings evident in the text that are relevant to the research objectives. The outcome of analysis in GIQM should be the identification of themes or categories most relevant to identified research objectives. Within GIQM a description of the most important themes is presented as findings.

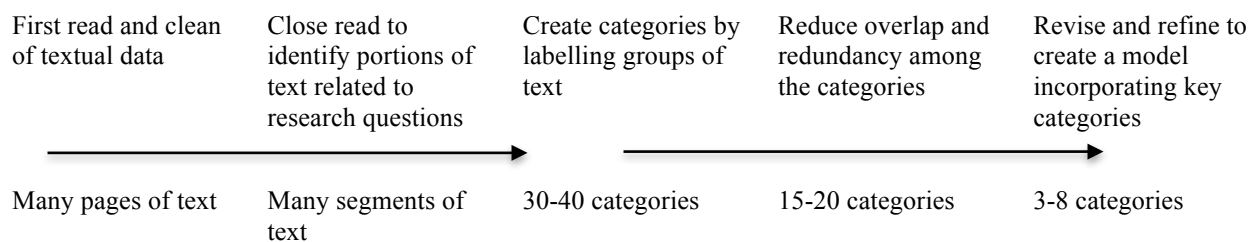


Figure 3.1: Overview of the GIQM coding process

Figure 4.1 provides an overview of the inductive coding process and is adapted from Thomas (2006). The intended outcome of the process is to create a small number of summary categories that “capture the key aspects of the themes identified in the raw data and are assessed to be the most important themes given the evaluation objectives” (Thomas, 2006, p. 242). This section describes how I handled the data that were collected through interviews and the analysis process I used to combine interview data with extant public documents and literature to provide a final synthesis and insights.

The first part of Thomas’ (2006) approach to analysis using GIQM begins with close readings of the text and “consideration for the multiple meanings that are inherent in the text” (p. 241). During this process, I read through the transcripts several times to get an understanding and feeling of each participant’s experiences and descriptions. During the next step of analysis,

the researcher identifies text segments that contain meaningful units and creates a label for a new category to which the text segment is assigned. During this stage I compared the realities described in the transcriptions for similarities and differences. I was able to see various broad categories emerge and began taking note of the properties related to emerging categories (see Appendix F). For example, human service executives described the process of making decisions on behalf of children. I took notes and made memos in the margins, highlighting all of the instances that decision making processes were described and started to look for the distinctions, similarities, and determine properties of the category and sub-categories related to decision making. Following this step, using word processor, I began taking the marked text segments and copied them into the appropriate emerging categories. In some instances, data would be coded under more than one categories and some text was not coded as it was not relevant to the objectives. Throughout this process I was able to develop an initial description of the meaning of a category and start to see sub-categories developing. Constant comparison of data was used at this stage to ensure subjectivity and biases were minimized.

The final step of analysis in the GIQM approach involves a continual process of revision and refinement of the category system (Thomas, 2005). This process looks at each category and finds the sub-categories, contractions, insights, and appropriate representative quotations that convey the essence of each category. During this final process of analysis I organized sub-categories under broad categories and created new categories as necessary. I had organized the transcriptions by colour coding sections according to the category they fell under and during this stage I reread the transcriptions to find further evidence of sub-categories and make notes and highlights about the defining characteristics. In the first part of analysis I had moved text on word processor under categories which made it easy to find representative quotations. Using the

research questions to guide this process I put quotes from the transcriptions under the appropriate headings (see Appendix G). Again, using the example of decision making processes, anytime I came across an example in the data of decision making I scrutinized the example to determine the conditions surrounding the process, the context in which the process was carried out, the interactions and actions through which the process occurred, and the outcomes of the process and moved that piece of text into its appropriate category and sub-category. The categories and sub-categories from the GIQM analysis process are presented in chapter four which provide an overview of the participant's insights.

In addition to my analysis of the data, I asked a fellow graduate student to audit the data. Over three days, she read the original transcriptions as well as the final presentation of the data in chapter four. Following her reading of the data, she made comments and provided suggestions on areas where I could improve my sub-categories by adding more examples or merge sub-categories. My purpose in having an external auditor was to ensure my organization of the original data made sense to an objective second reader. The insights and discussion provided me with suggestions to enhance my analysis and confidence that the categories and sub-categories were legitimate.

Chapter five involved interpreting and synthesizing the data from chapter four. Interpretive analysis "is an iterative, inductive process of decontextualization and recontextualization" (Starks & Brown Trinidad, 2008, p. 1375). Interpreting and synthesizing the data involved taking the insights from chapter four and relating them to the research questions, to the literature in chapter two, and to new literature. I used the categories and sub-categories from chapter four to structure my synthesis. I added literature from chapter two to synthesize and interpret the data. Throughout the course of the interviews and during data

analysis I had been able to see patterns emerging regarding the best interests of children in Saskatchewan and during the synthesis I was able to articulate those patterns and make inferences and provide insights that emerged from the data. I also drew upon extant public documents that were described during the interviews to triangulate, validate, and synthesize categories. During the interviews, it was identified that all human service executives worked with and within particular domestic legislative, policy, directives or frameworks that are sector specific and that these sources of law and policy provide direction and that these had shaped their conception of the BIC principle. Some of the substantive content set out in *The Child and Family Services Act* (1990), *The Education Act* (1995), *The Child and Youth First Principles* (2009) framework, the *Youth Criminal Justice Act* (2002), and *The Advocate for Children and Youth Act* (2012) were analyzed to determine common definitions or principles or constraints that existed within these sector-specific frameworks/directives. During this process, I analyzed each of the above documents looking specifically for language relating to the best interest of the child, for content related to agency, and for processes in making determinations related to the best interests of the child. Examples of common definitions and principles and constraints found in these contextual documents are presented in chapter five with attention to commonalities that emerged from interviews with the human service executives. The result of this final interpretive analysis and synthesis and validating relationships is presented as an analysis and synthesis in chapter five. The next section addresses question of trustworthiness and the steps that were taken to ensure this study was trustworthy.

Trustworthiness

For over 40 years the topic of quality has been debated by qualitative research across sectors with minimal consensus or consistent criteria (Denzin & Lincoln, 2008). Lincoln (1995)

defined criteria in research as “exercising judgment about what is good and what is bad research” (p. 2). Trustworthiness refers to the overall quality of the research (Denzin & Lincoln, 2005). Trustworthiness is used as the standard by which the quality of research is measured by offering four components to judge research including: credibility, transferability, dependability, and conformability (Lincoln & Guba, 1985).

Credibility

Credibility refers to the similarity or congruence that exists between the researcher’s interpretation of the data and the original data provided by the participants (Lincoln & Guba, 1985). There were three techniques I used to ensure that participants’ voices were accurately represented in the data. I sent out a copy of the transcripts to each participant in the study to review the data and interpretations (Lincoln & Guba, 1985). Every participant had the opportunity to read their transcript, check for accuracy, provide edits and clarification, and ensure the transcription reflected what they intended to express. Most of the participants made edits prior to returning the transcriptions and the signed transcription release form. Secondly, I had a fellow graduate student read through the original data as well as my interpretations and provide feedback and critique where necessary. Finally, I used an audit trail in the form of notes to document the research process and interviews. An audit trail is a systematic organization of the steps involved in the research process. In the case of this study, I used computer folders to organize the steps in this research project. These folders track the original research design, process notes, interview notes, literature review research, data (raw data, data reduction, and data reconstruction), and track the refining of the study. Organizing these folders online enabled quick and easy access to data and provided a traceable history of the processes involved in this study.

Transferability

Transferability refers to the generalizability of a study (Guba & Lincoln, 1985).

Transferability is the level to which research findings can be transferred to other situations or locations. The easiest way to speak to transferability is to provide dense descriptions at all levels of the research so readers can interpret the research in their own contexts (Guba & Lincoln, 1985). I provided a description of how I conducted my research including: the process of finding participants, arranging interviews, conducting interviews, and analyzing and synthesizing data so others could apply the findings in their own contexts.

Confirmability

Confirmability is similar to neutrality or objectivity and is concerned with assuring that the data, interpretations, and outcomes are rooted in the participants' contexts (Lincoln & Guba, 1985). I used triangulation to analyze the data using extant public documents to reduce the effect of investigator bias. Triangulation involves using multiple data sources in an investigation to produce understanding. In this study I used triangulation by conducting multiple interviews to compare different human service executives' perspectives. I also used triangulation during analysis to compare interview data with document data. In this chapter I also provided an in-depth methodological description to allow integrity of research results to be scrutinized.

Dependability

Dependability is the consistency and stability of the research over time. Any shifts in the constructions need to be well documentable and open to inspection so readers can understand and judge the decisions that were made (Guba & Lincoln, 1985). I used an audit trail to ensure that the research processes were dependable and described any changes made in method, data collection, or data analysis. My audit trail consisted of raw transcribed data, procedural notes

taken during the data-collecting phase, and data interpretation notes with interpretations and qualities of categories.

Summary of Trustworthiness

I endeavoured to ensure a standard of trustworthiness during this study. I made provisions to ensure credibility by having peer scrutiny of the project, and using triangulation. I provided background data to establish context and process to ensure transferability. I used triangulation to reduce the effect of investigator bias and ensure confirmability. Finally, I used an audit trail and in-depth methodological description that allow the study to be repeated to ensure dependability. The next section examines the ethical consideration for conducting this study.

Ethical Considerations

Application to conduct this research was made to the University of Saskatchewan Advisory Committee on Ethics in Behavioural Science Research following acceptance of the proposal. The ethics certificate is included as Appendix D. Consent was obtained from participants prior to the commencement of the study and participants received full disclosure about the nature of the study, data collection methods, data analysis techniques, and the dissemination and storing of information. Participants had the option to withdraw from the study at any time before the publishing of the result, after which point data was embedding in the findings.

I used consent forms for the interviewing process (Appendix B) and transcripts were provided to participants so they could clarify, add, or delete information to maintain integrity of the data. Participants were asked to sign a consent form for data transcription release (see Appendix E). I ensured confidentiality and anonymity of participants by using pseudonyms and not identifying distinguishable characteristics of participant's roles in the study. Through these measures, ethical guidelines were followed to respect participants' safety and confidentiality.

Summary

In this chapter I have presented the methodology used to conduct this study. I chose to use a qualitative approach within the interpretive paradigm to conduct an interview-based investigation. I described the general interview method, the participant selection process, and the data collection process. There were 11 participants in this study, selected using purposive sampling. Following initial contact, interviews were arranged and conducted. As the researcher, I had a set of primary questions that each participant answered, but was able to clarify and probe where it was needed using informal questions. Interviews were transcribed and checked and validated for accuracy by each participant prior to obtaining transcript release forms.

Using Hood (2007) and Thomas' (2006) Generic Inductive Qualitative Method (GIQM) approach for coding data, I explained how data were categorized from interviews using an inductive approach to developing categories and sub-categories to answer the research questions. In chapter five I use interpretive analysis to synthesizing the data and in this study I used extant public documents to triangulate the interview data. Trustworthiness was established through credibility, transferability, confirmability, and dependability. Ethical guidelines were outlined that ensured the respect, safety, and confidentiality of participants in the study.

CHAPTER FOUR

Presentation of Data

This qualitative study was conducted in order to identify Saskatchewan human service executives' insights with respect to the best interests of the child principle as these inform practice, policy, and research in human services and, secondly, to examine their perceptions of moral purpose, agency, and efficacy in the application of the BIC principle, as delineated by the UN Committee in the *Concluding Observations on the Combined Third and Fourth Periodic Report of Canada*, (United Nations, 2012). Understandings, experiences, and descriptions of the current climate in Saskatchewan with respect to children were collected through 10 different interviews.

In this chapter, findings resulting from my research are presented and discussed. I begin by providing a description of the 10 human service executives who participated in the research using pseudonyms. The description provides context for the findings and provides a description of the kind of work people in these types of executive level positions do and the milieu in which they work with children. The findings from participants are presented collectively rather than individually to maintain anonymity. When incorporating data from the analysis, I referenced quotations according to the pseudonyms provided in the first section. I reserved further analysis through synthesis with the literature for chapter five.

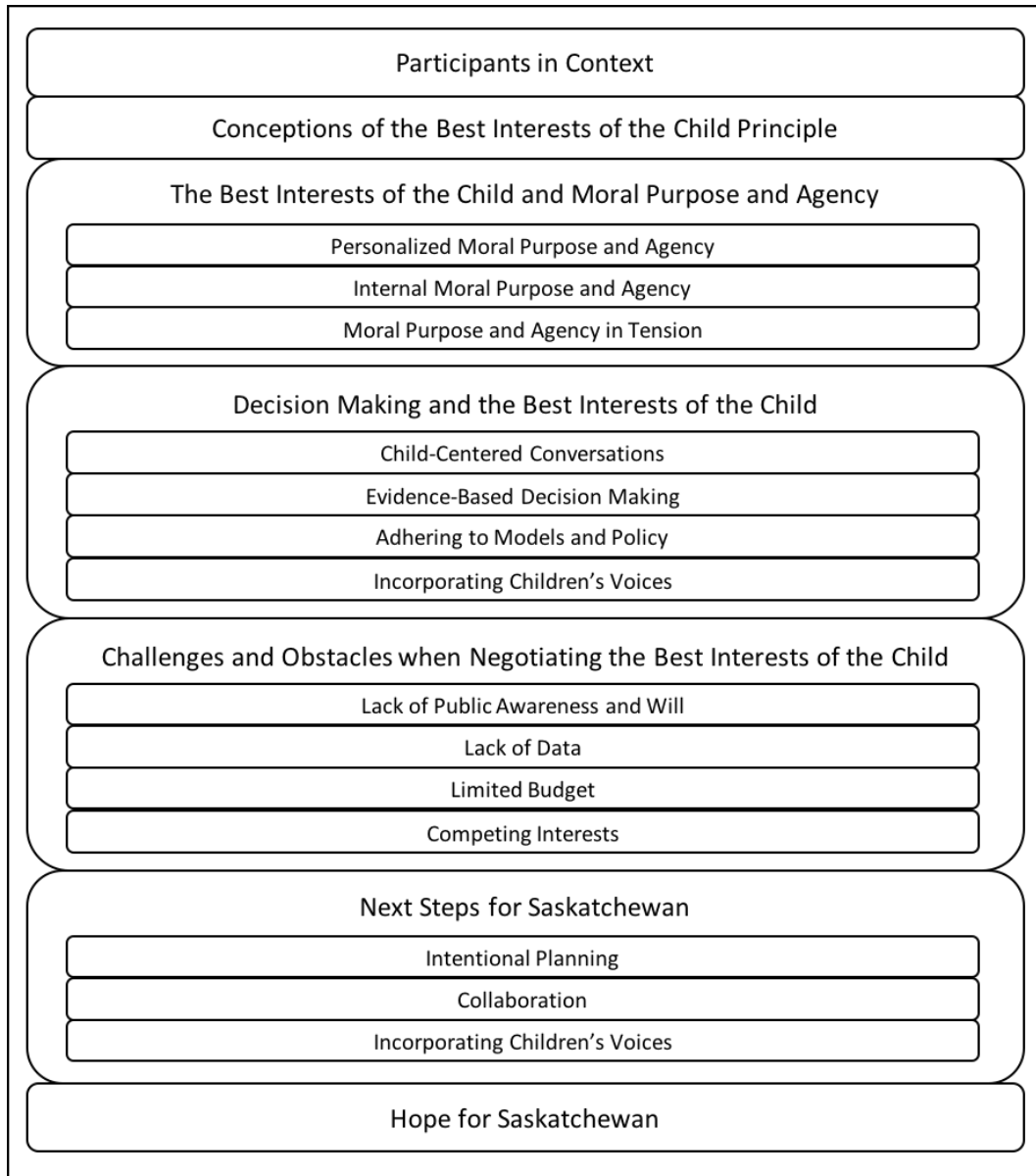


Figure 4.1: Diagrammatic representation of the presentation of findings in chapter four.

Figure 4.1 illustrates the presentation of findings in chapter four. I begin by providing each participant's background and context working on behalf of children, followed by exploring participants' definition of the best interests of the child. Next, a description is provided of how participants made decisions related to the best interests of the child through child-centered conversations, evidence-based decision making, adhering to models and policy, and

incorporating children's voice. Following, main challenges and obstacles when negotiating the best interests of the child are described which include: lack of public awareness, lack of data, limited budgets, and competing interests. Finally, "next steps" for Saskatchewan are described which include: intentional planning, collaboration, and incorporating children's voice.

Participants in Context

I initially interviewed 11 different participants for the purpose of this study. As indicated earlier, one participant withdrew before the data analysis process and the others are described below. In seeking out individuals to be interviewed I had three predetermined criteria: (a) participants must work predominately in Saskatchewan; (b) participants must be considered to be working at an executive level as a human service professional (Government official, executive director, academic, policy maker, coordinator, advocate, or commissioner) and in a role where they are indirectly or directly responsible for the provision of services for/or concerning children and youth, at a policy and/or practical level and, (c) participants agree to participate in the research under the conditions and for the purposes set forth in their invitation.

There were several challenges I encountered when conducting research with human service executives at this level. First, it was challenging to contact individuals directly because their assistants screened requests and managed correspondence. In many cases, human service executives were traveling, at meetings, or generally unavailable for immediate interviews. Communication was problematic as it was filtered through several individuals therefore getting permission and scheduling interviews was difficult. In several cases, interview dates had to be changed and rescheduled due to competing interests. This administrative process pushed interviews back several months in some cases. Secondly, it was challenging to receive a release of the final transcript in a timely manner. Human service executives took several weeks, and in

some cases months, to review transcripts. Nine of the ten participants edited their transcript thoroughly and rewrote sections. Setting up interviews and finalizing transcripts were both timely processes that I did not anticipate. The next section provides a description of the participants, a background of their knowledge, and a context within which to situate the findings.

Participant Pseudonyms

The participants chosen for this study were human service executives within the Province of Saskatchewan. For the purpose and interdisciplinary nature of this study, participants were selected from the sectors of health, social services, education, and justice. All participants were selected based on their executive level of leadership within their sector (Government official, executive director, academic, policy maker, coordinator, advocate, or commissioner). Due to confidentiality, and to ensure the participants remained anonymous, participants were assigned pseudonyms and pseudo-genders, generalized within their role as executive, and described according to their backgrounds, current areas of focus in relation to children, and areas of interest related to children. When using direct quotes, I provide the pseudonym given to the individual in the following table. Pseudonyms in no way represent actual names or gender but are used to keep the participants anonymous and to help generate the story and personality of the stories, as told by each of the participants.

Table 4.1 provides a list of the participants by pseudonym, pseudo-gender, and actual sector. This table provides an overview of the work the executives in situations similar to the participants do.

Table 4.1

Overview of Participant Pseudonyms

Pseudonym	Pseudo-Gender	Sector
Alice	Female	Health
Brian	Male	Justice
Carol	Female	Education
David	Male	Education
Evelyn	Female	Justice
Fred	Male	Social Services
Grace	Female	Justice
Howard	Male	Health
Ingrid	Female	Social Services
James	Male	Education

Alice. Alice worked in the health care sector for her entire career. As with many health care providers, her time was split between practicing as a clinician for the Health Region and working as a university faculty member. At the time of the interview, she was one of the top executives in healthcare for Saskatchewan and had also served as the president and chair on a variety of Canadian societies and associations for public health and health initiatives. The majority of her research involved health inequalities and health status indicators with a large portion related to children's health. Alice was involved with the Saskatchewan Population Health and Evaluation Research Unit (SPHERU). Part of her research with SPHERU involved research with schools to investigate the rates of risk-taking behaviour in children in different parts of a Saskatchewan city and provide insights to inform which schools might get more

intensive attention and work with individual schools to determine where energies should be focused.

Alice became interested in working in health on behalf of children when she spent a summer in an Africa region and was exposed to abject poverty. There she also saw the limited impact that Band-Aid solutions have in areas of political turmoil and strife. For Alice, this was the first exposure to the reality that we need to deal with root issues, not just symptoms. She discovered her passion and calling within the public health sector, which offered the possibilities to try to make an impact at a program and policy level. Alice remained intrigued by the huge variation of sub-geographies in Saskatoon and has used regression analysis to show that the main drivers of variations are poverty, education, and employment. The approach to reducing these health inequalities is recognizing the need for a long-term approach in reducing poverty rates, improving educational outcomes, and employment rates. Alice articulated her belief that this is an intersectoral issue that requires working with Government on policy change so that set activities get established.

Within the health system, Alice worked to ensure improved program delivery for those children already identified as at-risk. Alice oversaw a project that examined and predicted the risk-taking behaviours of school-age children in different locations around Saskatoon. She found there are some schools, “mainly in the wealthier neighborhoods where less than 2% of children will try smoking, some 0% in grade 5 to 8, and yet in other neighbourhoods it is 35% plus who have tried smoking in grades 5 to 8. In many of the schools, marijuana use was tried more than tobacco smoking and high-risk alcohol intake, or the age at when they tried using alcohol, is far higher in more deprived areas.” Alice found the most common concerns in grade 5-8 students are mental health, physical activities, nutrition, bullying, and violence prevention. Working with

public health in schools, four stages or four pillars of intervention have been created which include: social and physical environments in the school, teaching and learning aspects, partnerships and services, and healthy school policies. Working through these four pillars involves engaging the staff, the community partners, the parents, and the students who take a leadership role to devise a plan throughout the year to make progress in each of these four pillars on a specific target area. Implementing the four pillars in a school to evoke changes is one of the ways Alice used research to inform practice.

Alice worked in a unique area because she has contact with individuals over the course of a lifetime – from conception to death. She recognized that public health has some of the earliest encounters with children because from birth, children are seen frequently for immunizations. In her role, she had identified the unique opportunity that existed in public health to have the first contact with a child and she is looking to determine what role public health might play in terms of monitoring, screening, and referring children who show early signs of being behind. A pilot program was going to be launched in a few of the child health clinics in one Saskatchewan city where some screening questions or tools could be used with parents in the first two years of life that might predict high risk family situations that may need more intervention for these children. The dream was to match families with an agency to make sure they could be followed up with the appropriate agencies.

A key part of Alice's role in relation to children involved value stream mapping. Alice had challenged her staff to think beyond just mapping a patient's needs to value stream mapping young families. A value stream is all the actions required to complete a particular process, and the goal of value stream mapping is to identify improvements that can be made to reduce waste. Alice proposed starting at pre-conception, because not all babies are wanted, and planning for the

optimum environment for the child should begin pre-conception. The next step was to consider how family units are defined and the diversity of family units. Alice and her team came up with a large list of permutations and combinations of who was looking after the child; these included factors such as: was the family an immigrant family, French-speaking family, socioeconomic differences, disability involved, drug use, or violence in the home situation. Alice and the team then looked at all of these structures and different types of family units and lined them up against the normal trajectory of how a child comes into contact with the health system in order to see the various barriers that get erected in various types of family units. Alice noted “there is currently no real comprehensive communication around those families’ needs and without that, how can you achieve the best interests of the child?” Alice’s goal was to bring all services together into a continuum of care for the family, to create awareness of who was involved with that family, and to assess what was working and what was not and what else was needed to optimize the care for that child.

Brian. At the time of the interview, Brian was a lawyer and government official. He had worked for the Ministry of Justice in the policy branch and family law policy sector for over 10 years. Part of his job consisted of continuing to connect with other people in similar roles across the country and his federal counterparts to monitor developments in family law policy to ensure that Saskatchewan was current on the best interests of the child legislation and services. Specifically, Brian looked at custody access provisions. Saskatchewan has not amended any legislative provisions since 1996 but improvements and changes have occurred on the programming side. Brian also worked in a department that was responsible for the international child abduction files.

Primarily, Brian contextualized the best interests of the child in the context of separation and divorce. Within this setting, his central concerns were safety for the child and minimizing conflict around the child. Brian stated “estimates are that about 20% of separating and divorcing couples are high conflict and even high conflict could just mean that there is a lot of fighting that is going on. There is a lot of focusing on adult rights rather than what is best for kids.” Brian worked to get parents to focus on the best interests of the child in these situations and to minimize conflict around the child.

Brian used the *Children’s Law Act* when looking at the best interests of the child from a legislative perspective. He recognized that the best interests of the child often required broader interpretation than the *Children’s Law Act* such as including the specific personality of each child, specific needs, analysis of parenting plans, and taking into consideration the view of the child depending on their maturity level. At a programming level, Brian utilized the *Parent Education Program* to remind parents to refocus on the children. Brian was well grounded in research and aware of current research happening in other parts of the world on behalf of children. Brian was interested in implementing best practices from around the world in Saskatchewan. Brian was specifically interested in including children in the processes that related to them. He mentioned, “some experimentation with mediation involving children in other jurisdictions like B.C., New Zealand, and Australia where they have actually tried involving children in a mediation process. We have not gotten quite so bold here, but certainly our mediators are trying to somehow include the perspective of the children.” Brian advocated for a specific type of custody and access assessment called *Hearing Children’s Voices*. This was an assessment for older children where they can be involved and have their voices heard. Using this process Brian was able to focus on what the child thinks would be the ideal custody/access

arrangement. Brian was excited about the changes and progress being made on behalf of children in other places in the world and hoped Saskatchewan would embark on implementing some of these changes as well for the best interests of the child.

Carol. Carol worked with the Ministry of Education on the operations side. At the time of this interview, Carol was primarily responsible for early learning and childcare, pre-kindergarten through grade 12, and provincial libraries. Her duties included the provision of the development of curriculum to instructional support through assessment and programming and the provision of supports for children in specialized care outside the home. Carol worked with children on a daily basis developing policies and programs that would impact the kindergarten through grade 12 sector. An initiative being undertaken by the governments in this area was the *Student First Initiative*. Carol's role in this initiative was to articulate for both the Ministry and the field how the initiative might unfold and who would work together. Much of the *Student First Initiative* and other aspects of Carol's work were guided by the *Saskatchewan Plan for Growth*. This plan sets out the Government of Saskatchewan's vision for a province of 1.2 million people by 2020. It is a plan for growth that takes into account the current education outcomes while working towards continued innovation and use of resources to ensure Saskatchewan remains an economic leader in the future.

Carol viewed her role as a navigator amongst the program side, the financial side, and the regulatory side of things. Many and varied stakeholders approach the Government with requests for service and Carol navigated between these requests. She viewed her role as an interface between the policy world and the world of the political; "so it is not a political role but you need a political awareness to be effective in the role so Government has direction that it is duly elected to support so there is the constant evaluation of the programs that are in place, the policy

direction that Government is taking overall and how those things come together.” Carol enjoyed the role immensely and together with the idea that she might have an influence on future directions. Carol worked to bring the longitudinal piece into Government and saw that the early education influence in children’s lives might have long-term effects in the future.

David. David came from a financial background and had worked for several Ministries in Government. At the time of the interview, he was working for the Ministry of Education. David has a Masters of Business Administration and Certified Management Accountant designation and considered himself to be a business person. In his role he was responsible for the strategic policy branch, the education-funding branch, and the infrastructure branch in the Ministry of Education. Within strategic policy he was responsible for leading a group that met with other branches within the Ministry to develop Province-wide school division policies. The strategic policy branch was also responsible for coordinating and leading the development of the province-wide sector plan. The 28 Saskatchewan school division directors came together with the Deputy Minister’s office to develop the first Province-wide strategic plan for the education sector. David worked with the 28 school divisions to deploy the strategic plan.

David was also responsible for the education-funding budget, which resulted in allocating the 1.8 billion dollars worth of operating funds out to the school divisions each year. Part of allocating funds involved looking at more than 700 schools in Saskatchewan and assessing them to determine which schools should receive funding for major capital work in any given year and developing the long-term strategy for addressing the infrastructure deficit with school facilities.

David spent a significant amount of his time dealing with policies. A lot of his work involved eliminating policies that were no longer useful, assessing the effectiveness of existing policies, and making changes to policies to stay current with today’s realities. David spent most

of his time talking to the people who were living with the constraints of the policies to determine whether or not the policies were helpful. David used a BIC lens when sorting through policies and sought out feedback from different stakeholders to determine the effectiveness of policies in meeting students' needs. David had dealt with an infrastructure project to build nine new joint schools in Saskatoon, Regina, Warman, and Martensville. As part of developing a core design for these schools, David led a five-day design event and students were invited to the event to create designs by contributing their ideas to how schools could be designed and features they wanted to see in the new schools. Prior to the five-day event the Ministry of Education helped the architecture-consulting group interview over 200 students, teachers, and principals. Following the event, David ensured there was a 30-day and a 60-day review period to refine the design concept. For David, this student engagement was exhilarating and from an infrastructure perspective, was in the best interests of the child. He said "The best interest of the child means talking to the students and finding out what matters to them in terms of the school itself."

Evelyn. Evelyn worked for the Ministry of Justice. Her background was in law and mediation. Evelyn dealt with issues that affected children daily and the best interests of the child principle was her primary consideration. She preferred the *Best interests of the Child* to *Rights of the Child* because, as she said, "I think the best interest of the child actually gives me the potential to do better than what a rights-based approach would do. Best interests of the child for me can also be a very personal thing for the individual child." Generally, Evelyn believed there were certain assumptions that were correct in most cases, for example "I do not think that we are wrong to assume that keeping the child in the biological family is a bad thing. I think it is generally a good thing, but best interests of the child means that we need to look at the individual circumstances because there are unhealthy families out there and sometimes it may not be in the

best interest of the child to assume that the biological family is the best place to be.” Since starting her practice of law, she had seen the application of the BIC become more consistent in the judicial context.

Evelyn noted that the “interesting thing about the Ministry of Justice is we have our finger in pretty much every pie across Government. Certainly, when it comes to children’s issues, the public may not think Justice as the first Ministry involved, but we have a number of working groups and partnerships with the Ministry of Social Services and other sectors.” Evelyn worked closely on the Child and Youth Agenda. She had also worked on a two-ministry committee with respect to interpersonal violence, abuse, and child abuse. On the criminal side she worked closely with situations where there was abuse involving children. Evelyn had people under her who were from Policy and Planning and has served on a number of national committees at the federal/provincial/territorial level. Her department was involved directly on behalf of children in a number of ways. The focus of the department was on prevention in the areas of violence and abuse. Prior to this interview, the Ministry of Justice had been funded for just under two million dollars for a three year project on early intervention in family disputes. The reason Evelyn wanted to initiate this project was because evidence showed that if an intervention could be made prior to conflict escalating there was a better chance that parents would focus on the best interests of the child instead of battling each other.

Fred. Fred worked with Child and Family Services in the Ministry of Social Services at the time of his interview. Prior to this position, he was the Executive Director for service delivery in child welfare and he had spent his entire career in child welfare. He started as a front line child protection worker and had held various roles within child welfare over 22 years. Fred oversaw three branches responsible for child welfare services. First, the community-based

organizations and First Nations agencies. Secondly, he had an Executive Director responsible for service delivery, which involved 500 staff in offices throughout the Province overseeing child protection and children in care. The third area of responsibility was around policy, program design, and legislation. Fred was responsible for all aspects of child welfare from policy and legislation to service delivery, as well as the agreements for on-reserve services with the First Nations agencies. According to his description, there were 17 First Nations Child and Family Services agencies who delivered child welfare services on reserve and they delivered those services through a delegation agreement between the Minister of Social Services who had delegated responsibility to the First Nations agencies for on-reserve services and then the staff delivered services off-reserve.

In his role Fred did not work directly with children, although he was responsible for policy, legislation, and service delivery pertaining specifically to children in need of protection, so he needed to be clear and current what the mandate was around children who were in need of protection. Fred believed the best interests of the child went way beyond his current scope. Fred believed his staff used the best interests of the child principle daily because it was embedded in the Child and Family Services legislation *The Child and Family Services Act* (CFSa), which was what people were expected to follow and the considerations around the BIC were clearly articulated within. On a daily basis, Fred's staff would turn to the Child and Family Services legislation when they worked with children and families. In addition to the *CFSa*, the Province accepted the Children and Youth First Principles created by the Advocate in 2009.

Fred noted the need for changes to be made in the *CFSa*, especially when articulating the cultural aspect. Fred thought it would be valuable to go out and talk to the public, the First Nations people, and the growing newcomer population to Saskatchewan about how to

incorporate the BIC principle into different cultures. He said, “The diverse cultures coming to Saskatchewan really compels us to look at culture as maybe a little bit more prominent in our best interests of the child section so that is one of the things that we will be asking folks about when we go out to consult.” Since Fred’s job entailed putting forward proposed amendments to legislation, he was responsible for making amendments related to the BIC and articulating the BIC in policy and make it clear to practitioners what they needed to be considering in a concrete manner. Most of this policy is in the *CFSA*, the *Family Centred Case Management Manual* which is the ins and outs of child protection, and the *Children’s Services Manual* which articulates the best interests of the child for children in care and the steps people need to follow around children in care.

Grace. Grace worked in the Justice system for over 30 years dealing with children’s issues in a variety of capacities. She had prosecuted and dealt with children as victims and children as offenders. She ran a family law branch in the Ministry for a few years dealing with child protection matters as well as family law matters. Grace had been doing policy work including family policy, young offender policy, and criminal law policy for 25 years, which involved many children’s issues. She was the national lead in the development and implementation of child support guidelines. She had consulted on family issues nationally and provincially, chaired a recent committee on access to justice in child and family issues many of which dealt with child protection matters along with other matters, and she was also the central authority for international child abduction. In her position she had been tasked with ensuring that where needed children had their voices heard in the proceedings around child protection matters.

Howard. Howard worked primarily in the public health sector as a researcher, committed to, and engaged in producing new knowledge and new understandings and insights that could be applied to making children and their families' lives better. Primarily, Howard researched children from conception to early adolescence and discovered children thrived when they lived and were nurtured in a family context. Howard considered himself as a part of a team, whether it was a team of people with other expertise or peers in sociology, education, or statistics. Howard was also part of the team of people with expertise in knowledge translation, communication, graphic design, and information technology. Howard also partnered with medical health officers, public health nurses, nutritionists, and education practitioners. He had also been a member of the Regional Intersectoral Committee, which is a body regionally throughout Saskatchewan that brings together senior executives from the human service sectors, so social services, policing, justice, and the municipal sector.

Howard was curious about the world around him, how it works, how it should work, understanding it, and that curiosity was what propelled him to be a researcher. He wanted to make a difference in the world, understand how societies and institutions work, and help others to provide better, more effective, timely and complete care. Howard was interested in producing knowledge together with people. He provided the example of his work with KidSKAN where their research strategy had been to choose three or four particular sets of attributes or steps to focused on producing knowledge. He said, "You never forget that knowledge applies in real life."

On behalf of children, Howard worked on an evaluation of Fetal Alcohol Spectrum Disorder and community support programs in Saskatchewan. The Ministry of Health and Government of Saskatchewan wanted to know whether their FASD strategies were working,

whether they were effective, whether people were subscribing to them as they hoped people would, and whether they were delivering it in a timely and effective way. This was an example of how needs dictated what Howard researched. The people in the Ministry of Health had wanted this work done and were looking to see who might be able to work with them. This was an example of starting with the question that is of central interest to the knowledge user, whether it be a policy maker, program deliverer or practitioner. Howard worked with the people who used the finding throughout the process and gave the information in a way that was useful for them. Timing was important in Howard's sector since much of his research informed policy and was best presented in an appealing and attractive manner within the time frame that the research would have the most impact on upcoming policy decisions. Howard did valuable work to provide current research on the different aspects of the best interest of the child in Saskatchewan.

Ingrid. Ingrid worked in a number of sectors on behalf of children. She had a background in research, public health, and had partnered with the Government and communities throughout Saskatchewan and beyond contributing to the understanding of early childhood development for over a decade. She worked as an advocate for children in many different capacities throughout the Province ensuring children and youth in Saskatchewan had a voice, and that their rights, best interests, and well-being were respected.

Ingrid had a specific passion for raising awareness about the importance of the early years for children, families, and communities. She worked closely with organizations such as kidSKAN and Saskatchewan Population Health and Evaluation Research Unit (SPHERU) to ensure programs and awareness had been raised across the Province related to early years' health and well-being. Ingrid conducted research within the Province to impact policies and inform Government and the public about areas related to children and youth. Her work and voice on

behalf of children and youth helped push issues related to the best interests of the child to the forefront in Government.

James. James worked as a high level trustee for a school division in Saskatchewan at the time of his interview. James also had roles on both the Saskatchewan and Canadian School Boards Association. He had been involved with education for over 26 years and had seen many changes and had served in various capacities over those years. James stayed involved with education because he believed “we all have an opportunity and obligation to give back to our communities. There is no better area that I can think of to serve than in the education or the youth of this Province. I have always believed in lifelong learning and that you receive back what you give.”

James impacted children’s education through his policy and governance roles. He was involved in the education of children through a more strategic oversight role than the hands on operations of the school division. As a trustee, he was part of a board of education that set priorities and direction locally and his role was to build relationships with partners, work with Governments, and be a voice for both the Saskatchewan School Boards Association and the Canadian School Boards Association. His roles were supported with the other strong board members that made up both executives. James’ involvement with a national organization allowed him to connect the dots with what was happening locally, provincially, and nationally. Even though there were differences amongst Provinces, there were more similarities. His role allowed him to see the trends happening across Canada and he was able to put a Canadian context in place when making decisions in Saskatchewan for a big picture view.

Summary of Study Participants

In the section above, I have described the ten participants by providing a brief summary of their roles and an overview of the types of work they did on behalf of children as human service executives. The participants were willing to answer the questions and throughout the course of each interview different facets of the work being done provincially on behalf of children emerged. The participants provided insights into features of child well-being and discussed their commitment to meeting different aspects of the best interest of the child. The next section explores the different conceptions that emerged related to the best interest of the child.

Conceptions of the Best Interests of the Child Principle

During the interviews, participants were asked to define their conception of the BIC. Using Hood (2007) and Thomas' (2006) Generic Inductive Qualitative Method (GIQM) to analyze the data I first examined the data, which involved laying out the transcriptions in their original form and identifying specific text segments related to the research questions by highlighting sections with colours and notes to get an overview of the data (see Appendix F). During the next part of analysis, I refined and reduced overlap among categories and related sub-categories to their categories by taking the original data and sorting according to themes to see sub-categories and consistencies or inconsistencies in different responses (see Appendix G). By the end of the analysis process I was able to narrow the data down to a few main categories that represented the research questions. The insights as presented by the interviewed participants are what follows. While examining the best interests of the child principle, I found that conceptions varied from individual to individual, but similar conceptions emerged between individuals in similar sectors. For example, health care executives primarily conceptualized the

BIC within the context of family and environment. The different conceptions are summarized below and are categorized by the following sectors: health care, justice, social services, and education.

Health Care Sector

Those individuals working in the health care sector conceptualized the BIC in terms of the family context and the immediate environment. When asked to define the BIC principle, Alice responded “I guess it depends on what age and setting the child is, but in the language of health it would be like *child first*, *child friendly* but it relates to child’s environments and you can’t do things in the best interests of the child without impacting the child’s environment ... it is where children spend the bulk of their time and who they interact with primarily that influences their development.” Howard described his role as one where he was striving to make “children’s and families’ lives better. I think we do know that children of the age that we focus on (which is really pregnancy to middle school years) thrive when they live and are nurtured in a family context – so we are really talking about families’ health.” The best interests of the child from a health perspective was viewed within the context of a child’s environment and family unit as these are seen as the primary influences on a child.

Alice and Howard both noted a unique feature of the health care sector was the longitudinal view of the child from pre-conception through to adulthood. Noting the importance of the family and the environment, Alice used the lean management system, a system that allows practitioners to value stream map around different types of patient needs, including children’s needs and young family needs, starting at pre-conception. Alice indicated, “In determining the best interest of the child, questions asked are *how broadly do we define the family unit?* and *what’s the diversity of family units out there?*” A large level of combinations and permutations

existed that describe the family unit including: immigrant families, French-speaking families, socioeconomic differences, disabilities involved, drug use involved, and violence in the home. Alice described that “all of these structures and different types of family units need to be considered and lined up against the normal trajectory of how a child comes into contact with the health system.” She explained that barriers get erected for various types of family units and health care providers are tasked with looking through the lens of the individual family unit determine how to ensure all families are able to connect with a health care provider.

An understanding from health human service executives in regards to defining the best interests of the child was that every child grows up with different people in different environments and therefore each child must be cared for on a case-by-case basis. There was not a one-size-fits-all approach, although health care has standardized processes in terms of immunizations and family visits, the lens is different for each child. Alice clarified that:

The best interest of the child requires we recognize that kids are very disparate both in terms of abilities, character, genetics, and everything is so customized. Add to this the environment, which can either optimize or curtail children’s abilities. Add to that life circumstances and so as much as we try to design programs and try to group people together, there is also this need to look at the individual circumstances of the child and say *how do we get the best interest of the child for THIS child?* That is a difficult task. There is always a push and pull between the population wide intervention and targeted approaches that you need to keep in balance.

Howard described one of his conceptions of the best interests of the child as one where “the child is put in the middle of the focus so the child is the center and the most important object, if I could say that, ‘object of concern’ so everything revolves around that center in a way.” Health human service executives provided child-focused insights of the best interests of the child principled that took both the large picture as well as the individual child into consideration.

Finally, those participants from the health sector were engaged in research in a variety of areas related to children. Alice was concerned with health inequalities and was conducting

studies to look at the root causes of health inequalities and find interventions to address those inequalities. Other areas of research included risk-taking behaviours, mental health resiliency, and nutrition. Howard's current focus was primarily on research and "producing knowledge together with people in places to use it." Howard was very interested in making sure data collected were translated into understandable and useful knowledge for practitioners and policy makers. When asked to describe the role of the BIC in his research, Howard responded:

It [the BIC] centrally informs what I do and without which, it is very difficult to be doing any work or any research into pediatrics or child health. It IS the best interest of the child. I may not be using that term in my writing or in my speech, presentations, or my discourse optics but really, that's what it is. If it is not that, then I don't see why I am doing what I am doing. Trying to produce some new understanding that will help children and families with children is for the best interest of the child.

Alice described that she is "working on a preferred future statement ... Ideally for the child, they are getting the right kinds of exposures and supplementary assistance so that they have the best change of making smart choices so that their development is optimized." Those participants from the health sector were very engaged in their work and research on behalf of children and were involved in a variety of research areas, partnerships, and initiatives focused on ensuring the best interests of children was being made a reality for all children in Saskatchewan.

Judicial Sector

In the judicial sector the conceptions of the best interests of the child varied from a personal view to a judicial view. One participant noted that the best interests of the child meant going beyond a *rights* approach. Brian stated:

I prefer the term "best interests of the child" to "rights of the child" and I do that because, as a mediator and having worked for many years in interest-based problem-solving processes, I don't want to dismiss the importance of rights. Rights are crucial, but for me rights are a safety net. Rights are something we fall back on if we can't do better and while that's important, I think the best interests of the child actually gives us potential to do better than what a rights-based approach would do.

Evelyn considered the best interests of the child from the context of separation and divorce where the BIC “hopefully means that the child has some sort of input into what his/her living arrangements are following separation and divorce ... [and] that conflict relating to care of children is minimized around them.” Participants working in the justice sector worked with children in complex situations ranging from separation and divorce, international human rights, abduction, mediation, criminal cases, abuse situation, to child protection as examples. Grace described “the best interests of the child is primarily trying to view things not only from the child’s perspective but also from the context of the child’s life. So what is going to be the decision that best serves the child’s most immediate and long term needs.” Brian echoed this idea noting the “best interests of the child means that we need to look at the individual circumstances because there are unhealthy families out there and sometimes it may not be in the best interests of the child to assume that the biological family is the best place to be. So, yeah, one size doesn’t fit all is also part of best interests.” Each of the conceptions of best interests by participants in the justice sector focused on looking at children on a case-by-case situation to ensure their individual situation is being improved.

Every participant in the justice sector discussed the BIC in relation to custody issues.

Evelyn noted that there had been an overall improvement in determining the best interests of the child in access and custody cases in the past few years. She reminisced:

It is not bad and certainly better than it used to be. Certainly from 1980-1995 when I practiced, I think that the application of the concept of BIC was somewhat inconsistent. It was often applied inconsistently based on the particular beliefs of the judge of the individual case. We were still at that point dealing with judges who believed that the best interests of the child automatically meant that the kids would be with the mom or almost automatically if it was female children and probably if it was male children and so there were those old stereotypes. I think, for the most part, we have grown beyond that so I think judges actually do a decent job of figuring out what is in the child’s best interests. The problem is that the system in which judges have to make those determinations is a

largely adversarial court system, which by itself is not usually in the best interests of the child.

Grace described the tension that exists in custody cases between the presumption for shared or joint parenting and the presumption of best interests for the child. Grace said “you can’t have a presumption of shared parenting which is applied without differentiation in all cases and have an individualized decision on best interests. You have to have the individualized best interest trump in all situations.” Evelyn noted that “you can do whatever you want legislatively, but if you can’t convince the parents to cooperate for the sake of the children, then you are always going to be struggling to comply with access and custody arrangements and avoid destructive conflict around the children.” Brian shared that “studies will tell us and the evidence will tell us that if you can get to families during a time of family break-up, before they start writing those nasty affidavits to each other and truly escalating the conflict, you have a much greater change of seeing them collaborate and resolve the dispute as peacefully as possible.” After affidavits are written “parents will spend more time fighting with each other and talking about how to get back at each other rather than doing what is in the best interest of the child.” To prevent conflict from escalating, the Ministry of Justice was funded just under two million dollars at the time of this study for a project on early intervention in family disputes which Brian explains “we did primarily for the children because they are the ones that are harmed the most when the parents are fighting.” The best interests of the child were being considered and proactive steps were being taken by human service executives in areas of custody cases.

There were many other contexts besides separation and divorce in which judicial participants considered the best interests of the child. In the context of international human rights, Evelyn described that, the BIC meant that “the basic necessities of life – food, water, shelter, education, and health care – are being adequately addressed... Safety is an issue that

overlaps all framework and lenses and hopefully whatever arrangements are being made for the child are protecting his or her safety." Evelyn described from a legislative perspective, the *Children's Law Act* as laying out the factors to be considered when making a decision in the best interests of the child. Grace explained that new policy is going to be created and a new policy manual with the development of the Counsel for Children to ensure that counsel are representing children appropriately. She believed that with the dialogue around children's issues and the re-development of the child welfare legislation there will be new areas for policy development related to children. Participants also described that the best interests of the child were considered from a programming perspective. Programs exist to enhance the BIC, such as the Parent Education Program which tries to remind parents to focus on the needs of their children and keep conflict reduced or at least not visible in front of parents or the Hub and Cor model that is described later in this chapter. These were just a few of the initiatives where those in the justice sector were working to improve the situation for children in Saskatchewan. As Brian explained, "our focus is very much on the preventative aspect" which appeared obviously from the various programs, initiatives, and policies described by participants from the justice sector.

Social Service Sector

Within the social services sector the language transitioned to a child's rights and meeting basic needs focus. Much of the discussion with the participants from this sector focused on ensuring basic needs were being met and on safety issues. Fred described from a social service sector lens that the "mandate is around children who are in need of protection and so in my mind, the Best Interest of the Child goes way beyond that, but that's the context with which we would be working." Ingrid described that "it [the rights lens] kind of grounds everything because you have to be putting that first or otherwise there is no point in people phoning us to advocate for

them.” Participants from the social services sector viewed themselves as being charged with protecting and advocating the rights of children.

Social service workers have a large scope of focus in Saskatchewan. Fred described social services worked with 17 First Nations Child and Family Services agencies who deliver welfare services on reserve. Fred also oversaw about 500 staff in offices throughout the Province doing child protection and overseeing children in care. Finally, Fred was responsible for policy, program design, and legislation. Fred described he was “basically responsible for all aspects of child welfare right from policy, legislation, right down to service delivery and then our agreements for on-reserve services with the First Nations agencies.” Fred explained that in the context of social services, workers were tasked more frequently with making decisions about the child’s well-being and protection of children in high-risk and urgent situations. Fred described the urgent decision making process:

I always talk about best interests of the child in terms of *consideration*. You have to consider this, you have to consider this, you have to consider this, and then you pull it all together in a context of this particular child and because something that’s important to one child is not going to be as important to another, depending on their individual needs, so in terms of prioritizing, it’s a difficult thing to do.

Ingrid described the BIC as “all the things that would enhance the quality of life and rights of children.” Participants working in social services had a large scope and work with the children most at risk in the population. Fred explained “we are a last resort system ... the key is to get ahead of it and to make sure children are getting their mental health services, their emotional needs met, their education needs met, and some of the most basic needs met in terms of not living in poverty.” Fred and Ingrid both believed that best interests went beyond their work and beyond child welfare.

Those in the Social Services sector relied on legislation as a primary guide for making determinations regarding the BIC. Fred noted “with our staff it [the BIC] is literally a daily thing so of course we have best interests of the children considerations embedded in our Child and Family Services legislation and *The Child and Family Services Act*.” On a daily basis, Fred expected his staff to turn to legislation when they were working with children and when they were working with families. In addition to the *CFSA*, Fred also used the *Children and Youth First Principles* to help him determine what was in the best interests of the child. Ingrid relied on the UNCRC as well as the *Child and Youth First Principles*, *The Eight Guiding Principles* (2007), and the *Child’s Rights Impact Assessment*. The Child Advocate Office developed *Eight Guiding Principles* in 2007. Legislation provided detailed policies on how to act in various situations on behalf of children.

Education Sector

In the education sector there were varying conceptions of the best interests of the child. David, Carol, and James were the participants who worked in the education sector and each of them were responsible for different areas within education and provided their insights with regards to the best interests of the child. David worked within the area of educational funding and described “the best interest of the child in that context for us really goes back to the concept of equity and ensuring that every child has good access to educational services no matter what the tax base is for the surrounding area and no matter where they are located as they seek out their education.” Carol worked in the operations side of the education sector and “understood that the BIC is one of those terms that everybody would have an interpretation of and certainly guides me and resonates with me personally and professionally.” Within Carol’s scope of working on behalf of children her role was in making policy decisions and ensuring the

“structures are in place to do the best things possible for children.” James worked at a provincial and local level on behalf of children in the education system. James noted “when I think of the term best interests of the child, I look at our policies and are we doing this for financial reasons, are we doing this for political reasons, are we doing this for other reasons, and it really directs me back to the correct reasons which is what’s in the best interest of kids.” Within his role, James made decisions and represented the communities’ understanding of the best interest of the child. He described “the terms “best interests of the child” and “student first” are frequently used in the education sector and those worlds alone focus our decisions making.” These are the various conceptions of the BIC from the education sector participants.

A large portion of David, Carol, and James roles was related to decision making. Each of these participants were responsible for different aspects of education, but they all agreed that the BIC principle was a tool used to refocus conversations when making decisions in education.

David reflected:

When you are making decisions at a policy level, sometimes it is easy to forget where the impact of those decisions falls. The BIC forces us to step back and say why are we making this decision? Is it in the best interests of children and if it isn’t, why are we doing it?

Carol noted a similar understanding: “The BIC is really good because it brings me right down to the grass roots level. You are setting national policy. You are setting provincial policy and it really keeps you focused on where that policy is directed and who it will eventually impact.” In these cases, the BIC became a tool to refocus conversations and ensure that those making policy kept the child central to decision making. Participants faced many challenges working in Education and the BIC principle was seen as a lens to help to prioritize interests when facing challenges. For example, Carol indicated:

A challenge when looking at the BIC is the wall of competing demands faced as leaders in education. There are so many ideas that come forward that are good ideas that the challenge is holding up a set of lenses to make decisions that are in the BIC. Another challenge is the quality and quantity of information that you have as a decisions maker and then how you are wired internally and how the information you are collecting resonates with the experiences you have had as an individual and you fill in any missing gaps to make good decisions that are in the best interests of the child from both a situational level as well as at the ultimate higher level. When making decisions, I need to support what will make decision in the BIC.

In the Education sector, participants described situations where the BIC principle would be brought up during meetings. In these meetings the BIC was perceived to help orient the conversation to both support and challenge people to use the lens in the service provision to children.

Summary of the Sector Conceptions of the Best Interests of the Child Principle

Participants were asked to provide their definition of the best interests of the child. Perspectives related to the definition of the best interests of the child were broad and varied. Conceptions ranged from descriptions dependent on specific contexts to discussions of needs and rights. There was a general consensus among participants that the BIC concept was a refocusing tool when it came to policy and decision making. A number of participants noted that when the best interests of the child was brought up in conversations, the discussion shifted to refocus on how a decision could be made to ensure the well-being of children was improved. The BIC was sometimes at the forefront of the process, sometimes embedded in policy, and sometimes the primary consideration. The BIC was sometimes subjective to individuals' experiences, context, job constraints, and often varied on a case-by-case basis. The next section will explore the different perceptions of human service executives regarding how the Province of Saskatchewan currently measures up to meeting the recommendations in the *UNCRC*.

Saskatchewan and the *United Nations Convention on the Rights of the Child*

Human service executives were asked to describe how the Province of Saskatchewan's policies and practices measured up to the expectations set forth in the *UNCRC*. First, insights elicited through human service executives' responses revealed that many of the human service executives I interviewed did not have specific knowledge related to the standing of Canada in relation to the most recent *UNCRC* report, the combined 3rd and 4th review, submitted by Canada nor the recent recommendations, *Concluding Observations on the Combined Third and Fourth Periodic Report of Canada*, (United Nations, 2012), from the UN Committee and could not comment specifically on how different initiatives in Saskatchewan approximated the recommendations. Second, those individuals who did have knowledge of the *UNCRC* were using the document to varying degrees to inform their decision making in their practices. This section explores the various understandings and uses of the *UNCRC* by human service executives in Saskatchewan.

When asked about how Saskatchewan was measuring up to the recommendations of the *UNCRC*, responses varied from having not read the reports and were not aware of current recommendations to mentioning a single recommendation, to others having to be well versed in the *UNCRC* as a requirement for their position. Participants working in the justice sector were knowledgeable in areas where the *UNCRC* specifically related to their role. For example, human service executives working with cases of international child abduction were well versed in the portions of the *UNCRC* that applied specifically to the rights and policies of children in those cases. Evelyn worked in the area of family law and sat on federal, provincial, and territorial working groups to monitor "custody and access arrangements and compliance with arrangements." Evelyn also stated: "I firmly believe in the rights contained in the Convention on

the Rights of the Child ... I do think it is a good lens to view all of our work in the family law area through.” Evelyn was aware of the recommendation by the UN Committee to not have youth incarcerated with adults and to have a consistent framework across the country. She noted “I do not think that is possible unless the Province wins a huge lottery. If we had a more centralized or smaller geographic area and the population was greater it might be more feasible.” Evelyn recognized the size of the Province and the country of Canada was one of the greatest challenges to implementing the recommendations put forth by the *UNCRC*. Canada is a large, spread out country which presents problems with providing standardized services to all children.

Grace did not specifically describe the most recent recommendations from the UN Committee but did explain how the *UNCRC* impacted her work. She described that in the family law world “best interest is not just what the *UNCRC* requires but it is what the law requires.” In the area of international child abduction cases she explained that bests interests are not the criteria, “the criteria is to ensure that the child that is wrongfully taken or retained is returned home to the habitual residence jurisdiction so that any decision about bests interests are made where that child is most easily obtainable.” Grace was engaged with information exchanges across provinces and internationally with colleagues to understand how others have solved problems facing children in similar situations in Saskatchewan.

Brian described his efforts exceeded what the *UNCRC* required. He explained that he preferred a best interest approach as opposed to a rights-based approach because “I think the best interests of the child actually gives them potential to do better than what a rights-based approach would.” He went on to explain “best interests of the child for me would allow us to do more than what the *UN Convention on the Rights of the Child* would prescribe.” He explained the best interests of the child takes into consideration the needs of an individual child instead of relying

on the normal prescribed tendencies. For example, Brian noted is is “not wrong to assume that keeping the child in the biological family is a bad thing. I think it is generally a good thing, but best interests of the child means that we need to look at the individual circumstances.” Brian used the best interest of the child as his primary consideration when working with children.

Participants working in the social services sector relied on various pieces of legislation that were created from the original *UNCRC* document. Fred described the different policies that staff in the social service sector subscribed to, including the *Children and Youth First Principles* from the Advocate in 2009. He described that he, himself, subscribed to the *Eight Guiding Principles* and that “those principles are quite far-reaching. I mean, they even go beyond the *United Nations Convention on the Rights of the Child*, so they set a pretty high bar around how we deal with children and youth.” He explained “those are the principles that we look to when we are developing policy or legislation. The challenge has been; how do you apply those in a practical way.” Fred described that the social services sector is currently exploring the *Child’s Right Impact Assessment* which is “a tool for assessing the potential impact of any proposed policy or law on children and their rights.” The framework for the *Child’s Right Impact Assessment* is “the *UN Convention on the Rights of the Child* and so it’s a lens that we would use in terms of any of our decision making processes to ensure that children’s interests or their rights are not overlooked so we, with our upcoming legislative review, would use that tool to ensure that we have the child’s right screen on our legislation.” Fred continued to describe that the policy unit for the social services sector was being trained on how to use the *Child’s Rights Impact Assessment* when developing new policy which Fred asserted would help apply the UN Convention on the Rights of the Child in a more systematic way. Although these strategies were

not intended to be a direct response to the recommendations of the UN Committee they were enhancing the best interests of the child in Saskatchewan.

Ingrid provided her perspectives with respect to the most recent process that Canada had gone through with the UN Committee. Ingrid stated “Canada does not have a very good track record around children and rankings in the UN, OEC, and people don’t know very much about that. Canadians don’t know very much. It’s actually pretty terrible.” Ingrid’s job position required that she be well-versed in the *UNCRC* and current recommendations for Canada. She described the courses she was required to attend:

a number of staff in the office, myself included, have just started an online course in the UN Convention on The Rights of the Child. I don’t know if you know it. Ellen Murray teaches it. It’s an online course, actually a series of online courses. There’s a whole certificate and one thing that’s pretty clear when you’re working in this area is that in general, people don’t know very much about the rights of children and don’t talk about them and don’t know that children have rights and children don’t know that they have rights. So I don’t know how many people have talked to you very much about rights.

Ingrid referenced the *Child and Youth First Principles*, and the *Child’s Rights Impact Assessment* during her interview. The Child Advocate Office developed *Eight Guiding Principles* in 2007. Ingrid provided me with the document entitled *The Eight Guiding Principles* (2007) stated: “All children and youth in Saskatchewan are entitled to:

- Those rights defined by the United Nations Convention on the Rights of the Child.
- Participate and be heard before any decision affecting them is made.
- Have their ‘best interests’ given paramount consideration in any action or decision involving them.
- An equal standard of care, protection and services.
- The highest standard of health and education possible in order to reach their fullest potential.

- Safety and protection from all forms of physical, emotional and sexual harm, while in the care of parents, governments, legal guardians or any person.
- Be treated as the primary client, and at the centre, of all child serving systems.
- Have consideration given to the importance of their unique life history and spiritual traditions and practices, in accordance with their stated views and preferences”

The Government of Saskatchewan adopted these Principles in 2009 “as part of its plan to strengthen the Province’s child welfare system. It hoped that the Government of Saskatchewan would fulfill its commitment to our youngest citizens by using the Principles as a mandatory guide for child-serving ministries to examine current and new legislation, policy, practices and programming” (Saskatchewan Children’s Advocate Office, 2009). Ingrid referenced this quote and discussed that she was required to take courses on the *UNCRC* and the BIC principle as a requirement for her position. Ingrid described how originally Canada was a leader in initiatives taken on behalf of children. She said “most of that, a lot of that started here but not that you can actually see it policy and practice to the extent that you would hope when it [Canada] was such a big part of the development of it. It was the same thing with the *UNCRC* that there was a time where people were really looking at Canada. I don’t know about now.” Ingrid was well versed on the *UNCRC* and provided her overview of how Saskatchewan is measuring up to meeting the BIC principle.

In summary, conceptions and understanding of the *UNCRC* varied across human service executives. Some understood the process and recommendations to Canada, those in the justice sector and social services relied on the portions that applied specifically to their role to provide guidance and were looking for ways to incorporate the *UNCRC* to make decisions in the future, and those who worked in the education and health sector did not speak directly to the *UNCRC* or

to the most recent recommendation from the UN Committee. A hypothesis for this discrepancy of knowledge of the UNCRC across the sectors is discussed in chapter 5. While great strides were being taken in the social service and justice sectors to ensure the *UNCRC* was being prioritized and make a primary consideration in Saskatchewan, a challenge was determining how to apply principles in practical ways and how to create legislation to embed the BIC into the culture.

The Best Interests of the Child and Moral Purpose and Agency

This section examines human service executives' perceptions of moral purpose, agency, and efficacy in the application of the BIC principle within their various roles. The original intent was to examine perceptions of moral purpose, agency, and efficacy in the application of the BIC principle, as delineated by the UN Committee in the *Concluding Observations on the Combined Third and Fourth Periodic Report of Canada*, (United Nations, 2012), but it became apparent during the interview process that the majority of participants were not well versed on this recent report, so I explored these concepts in relation to working on behalf of children in their various roles. Three insights emerged during the coding process. First, some participants related personally to the best interests of the child and the BIC principle. Secondly, some participants adopted the BIC as their purpose because it was mandated by their role description and necessary for them to complete the tasks within their purview. Finally, some participants described having a personal purpose related to the BIC but were not sure how to integrate that successfully with their role. This section explores each of these findings and provides a description of how human service executives described their purpose and enacted agency within their role.

Personalized Moral Purpose and Agency

This section provides examples of statements participants used when describing how the BIC principle provided a purpose in their roles. For Alice the BIC was significant in her role working on behalf of children and improving their situation. She described the BIC “and working on poverty reduction and health inequality is not something you embark on lightly. You are not likely to see it achieved in your lifetime. You get a chance to enter in at a piece of the trajectory to make an incremental improvement.” For Alice, there was a sense that the purpose of achieving the BIC was greater than her individual ambition. Alice reflected that the BIC is a purpose that resonates with the public, “when it comes down to a common denominator for all people to kind of resonate with and say *yeah, we should really do something about this*, the best interests of the child is kind of that apple pie statement.” She spoke about the best interests of the child as “a universal and moral approach that I find resonates with different political ideologies. For example, people may be willing to write off the drug addict, but when they find out they have a child then all of a sudden it’s *well, what can we do?*” Alice said, “The best interests of the child is a unifying statement and I do find those who are making the biggest difference in this area are those who have adopted the best interests of the child as a moral imperative or they feel that they simply have to do something to make a difference for these kids.” For Alice, the BIC was a purpose that she personally subscribed to and felt resonated with others.

David described the work he did on behalf of children as a moral endeavour. He explained “there is nothing about this work that can be done without understanding the impact that it has on the children in the province and when you know that you have such an impact on children, you know that you have to approach it as a moral endeavour.” As David stated:

When we are dealing with people's lives, kid's education, you have a moral obligation to do what is right. Not what is political, not what is easy, not just what is financial but what is best for kids. You have a moral obligation to deliver the same quality of education to all kids in the Province.

Carol also saw her work on behalf of children as being in such a "critical area... I enjoy the idea that you can have an influence on future direction." Carol described that she wanted to be remembered as someone who contributed and had an impact on the situation of children for the future. She noted that the authority that she has to make decisions that will influence the BIC in Saskatchewan is a "pretty heavy thing to bear... I guess I want to be bold about it and who am I not to do something about this in the role I am in?" Howard was also aware of the purpose his work had on the future. He described "you know if you don't take up our children, there wouldn't be an us in the future so you really have to think in a futuristic way." Howard described that in his work his purpose is twofold. First, he is committed to understanding the world around him, but secondly, he "wants to make a difference in the world around you." These participants described their purpose of working on behalf of children as something larger than themselves that had an impact on future generations. The sense of purpose described inspired action and strengthened the ability to be bold when making decisions.

Some participants who referenced having a personalized moral purpose identified with the BIC principle and felt more agency and a strong sense of responsibility and ability because of their experiences in their personal lives and families. These participants were grandparents or parents and related the BIC to their own personal experiences with their children. Howard stated:

I cannot remember the last time somebody asked me about how the BIC relates to me personally that but you know, maybe it is my age, maybe it is just sort of having teenagers in my life and all of that and maybe having parents that live very far and so on. Whatever the circumstances are in my life, the moral issue does actually creep up in my mind every so often.

Brian summarized his perception of purpose on behalf of children by saying:

You could go to any city in North America and you will find an underprivileged population and so part of my motivation is this, some might call it the *white guilt* I carry around, for the relatively privileged existence I live. It makes a difference when you are a parent and I can tell you now based on a grand total of one year's experience, it makes another difference when you are a grandparent. So this is about creating situations where my children grow up in a better world than I did and my grandchildren will grow up in a better world than my children did.

In cases where participants related their reason for holding the BIC so close because of personal experiences, the BIC conjured up personal memories and emotions that caused these individuals to act as moral agents. Howard summed up the need to *practice what he preached* on behalf of the BIC:

First is that I need to walk my talk about the way I relate to my own children and the young people that I know in my life. The second way that morality plays into my agency, and maybe it is a bit self-serving, but if we do not protect our children, there would not be humankind in the future so you really have to think in a futuristic way. Thirdly, all children, whether they are in Saskatoon or in Sudan, have a right to a good start in their lives. It is not just only my child; the children in my neighborhood or my city, but the children right across the world actually have the same rights. In fact, if they do not have the same opportunities and rights as our children do, we might actually be creating a world that is not good for our children.

The participants who responded were able to relate to the BIC on a personal level that motivated their agency, whether it was a personal purpose or ideological belief or because they were a parent/grandparent; each of these individuals was able to find their purpose and agency from an intrinsic motivation.

External Moral Purpose and Agency

A second set of participants described their experience with the BIC as an external force imposing a sense of purpose and agency. Fred, Brian, Evelyn, James and Grace referred to policies, programs, and laws that governed their behaviour as agents. Within the education sector, James provided an example of a school closure as an experience that externally forced

him to act in the best interests of the child. School closure may be part of James' role requirements, but through the process he developed a sense of moral agency while deliberating the challenges of closing the school. James described the different components of the school closer that elicited a moral response:

You feel a moral responsibility because you have communities that do not want to lose their school. They believe that it is the center of their community. You have small businesses that do not want to lose their school. You have parents who went to school in those communities and do not want to lose the school. Boards of education are mandated to deliver a high quality of education to all kids so you really have to step back from the emotion and look all the data and decide if we can still provide that top quality education.

These participants described experiences and decisions they had to make that had caused them to feel emotional and sense how imperative it was to establish emotional supports and meet the needs of stakeholders. The response was imposed by external factors, but caused the participant to act morally.

Having an external purpose in relation to the best interests of the child was not always in reaction to a situation. Some participants described situations where the job itself necessitated that they act morally or appeal to others' sense of morality to accomplish their job. Fred described: "when I think of moral enterprise or moral endeavour, I think you know about an issue, you create an awareness of the issue and you try and do something about it either through policy or law so I guess as a rule maker, as an enforcer of rules, I guess I see myself as having to be a moral entrepreneur in that way." Although the sense of moral purpose may not have originally existed, the position the human service executives found themselves in created a moral purpose and existing policies or mandates required that they become agents with a BIC-centered purpose. Fred stated: "I feel that there is an obligation. We know about issues relating to children either through policy or law, we need to respond and do something about it. I guess in that context; I would see myself as a moral agent." These participants did not report having a

sense of moral purpose prior to their roles at the time of the interview. A sense or moral purpose evolved because of the situations they worked in and external policies guiding their work provided them with a sense of agency.

Moral Purpose and Agency in Tension

While not as prominent as the other two sub-categories, there was a sub-category that emerged and deserved recognition. Two of the participants described a state of tension they felt over having a sense of moral purpose related to the BIC but not knowing how to reconcile this moral aspect with their work position or with having any agency despite feeling a moral purpose. Participants, in this state of tension, described having a personal sense that their work was a moral endeavour but struggled to integrate the moral side with the actual work. When Evelyn was asked if she considered her work a moral endeavour she replied: “From a very personal perspective, I do believe that children are our future and they should be the most important thing. How we raise our children and empower them and I think what we’re trying to do is create the right environment for them to be protected and nurtured. I am struggling with the tensions between these issues, maybe I have been working in Government for too long.” She followed with, “In Government the moral part is not discussed, but there certainly is a morality underlying the UN Convention and the right contained in the Convention on the Rights of the Child which is a good lens to view all our work in the family law area through.” Grace explained that she originally went into law because “I have always been a child advocate in one form or another, so for me it’s very much about being careful of the needs of children.” Grace went on to describe the processes and interests that “don’t ground themselves on the client child or see that as the starting point... there are clearly conflicts in terms of values and certainly cultural conflicts and challenges in terms of trying to find a way to advance what you think would be the child’s

interests.” This final group of participants recognized themselves as moral agents but struggled with how to incorporate that agency within the policies and legislative boundaries of their positions. In this case, the position was the primary factor in a sense of agency and not the moral purpose.

Summary of the Best Interests of the Child and Purpose and Agency

This section explored participant’s description of moral purpose when working on behalf of children in their various roles and how a moral purpose impacted on agency. First, some participants described having a personalized moral purpose that was part of a larger life work or because of familiar roles external to the positions they held. Secondly, some participants adopted a moral purpose on behalf of children because of a policy or mandate. Agency was enabled primarily by policies in these situations. Finally, some participants described having a personal sense of moral purpose but were not sure how to integrate that successfully with their positions. In these situations, participants struggled to see their moral purpose and the agency as compatible.

Decision Making and the Best Interests of the Child

This section explores the range of descriptions that human service executives provided with respect to how decisions about the best interests of the child were being made in Saskatchewan. Participants provided various examples, stories, and legislation they relied on when making decisions about children. Insights and descriptions are triangulated with literature from chapter two and public extant documents to arrive at findings in chapter 5. These extant public documents are explored further in chapter five. The final four categories that emerged were provided were: child-centered conversations, evidence-based decision making, adhering to

models and policy, and incorporating children's voices. In many cases, participants discussed that more than one factor contributed to how they enacted their agency to make decisions.

Child-Centered Conversations

Child-centered conversations were one method that human service executives said assisted them in making decisions about the best interests of the child. Child-centered conversations helped refocus discussions, helped decision-makers look at the individual child's needs, and they provided a lens and accountability for decisions being made on behalf of children. Evelyn clarified that "The whole purpose of our role in these sectors is not to create little adults. It is to support children as they move from stage to stage and I think, quite frankly, there is a need to be nimble in your thinking and in your program deployment that has to be addressed at the eye of the institution, whether that institution is the family or Government." Keeping the child at the center of the discussion was seen as a way to ensure that the decisions being made were in the best interests of the child.

Child-centered conversations were cited as a way to refocus a conversation on what is most important for the child. Participants alluded to the times in conversations and decision making when the conversation seemed to stray to all different areas. Howard stated "in these moments there is always somebody in the room with some wisdom who will say what we are really talking about is children, what is good for children. Whenever that is raised, I have experienced a conversation that is threatening to get out of hand, stray all over the place, it gets re-focused, back to the issue at hand, back to what is the best interests of the child." Having someone with the leadership ability to re-direct a conversation back to the BIC helped to ensure that decisions being made reflected the child's best interests.

In the context of policy making where there were scarce resources, child-centered conversations help focus on equity. Fred noted that the BIC ensured “equity is being maintained and every child has access to the same services no matter what the tax base is for the surrounding area and no matter where they are located.” David concluded:

In the best conversations that I have been part of are where children are emblazoned, they are just so central to our conversation. Nothing else really seems to come into play. The decision making is pretty centrally focused on children. There may be some undercurrents, but they are kept there, underneath, not on the top.

As we saw earlier, when the conversation kept the best interests of the child as the main focus, then decisions were perceived as being easier to make.

In some decision making situations participants determined it was not considered appropriate to look at what might be in the best interests of all children, in these cases it was necessary to look at each child, on an individual basis, and make the best decisions for that individual child. Fred described “Every child is going to be different in terms of what might be the priority, depending on their circumstances.” Most often, human service executives in the social service and justice sector looked at children on a case-by-case basis when making decisions. Grace noted “Our sector of Government works to promote factoring in the BIC for decision-makers and to help them focus on the needs of the children and look at the specific needs and personality of the children they are working with.” Focusing on individual needs helped to ensure that the decisions being made actually were in the child’s best interests. Brian noted “Our Government is trying to promote to the parents or primary caregivers that they are the experts about their own children and in making decisions about the best interests of the child they need to base their decisions on the needs of the child, not their own needs.” In cases where human service executives were making decisions for a single child it was necessary to look at that specific child’s needs and context to ensure the best interests for the child were being met.

Child-centered conversations also aided in decision making by acting as a filter and as an accountability measure for human service executives. Similarly, to refocusing a conversation, using the BIC as a filter, ensured decisions and policies were being made in the best interests of the child. Using the BIC as a filter forced human service executives to intentionally focus on what the best interests of the child looks like in different situations and ensured responsible decision making. Carol noted that using the BIC as a filter caused her to consider the BIC in her decision making:

I consider the term best interests of the child when I look at our policies and are we doing this for financial reasons, are we doing this for political reasons, are we doing this for other reasons, and it really directs me back to the correct reason which is always what is in the best interests of kids. The fact that we are locally elected also ensures that what parents and the community also believe is in the *best interests of the child* is reflected in our decision making. That is the accountability piece. If we do not do what is right, the community has the ability to ensure that we are not the decision makers come next election.

Using the BIC as a filter for child-centered conversations ensured both intentionality and accountability for making decisions that reflect the child's best interests.

Participants noted that language around the BIC was frequently used in discussions and deliberations. James shared, "The terms *Best Interests of the Child*, *Child Friendly* and *Student First* are frequently used in our sectors and those words alone focus our decision making."

Ingrid noted "I think we have become very, very good at consciously and sub-consciously asking ourselves questions that ensure that we always remember who will be impacted by our policies and decisions." As opposed to becoming a cliché or catch phrase, human service executives appeared to take this language seriously when making decisions about children. Grace summarized this well when she said:

The best interests of the child is always the most important question or the most important filter that we put all of our policy work through. Ultimately, we want to know as we are either considering a new policy or we are considering

amendments to existing policy is what implications will this decision have for the student and will improve the student's outcomes or the student's access to education so from that perspective, it is a regular question that we ask as we are sorting out how to make amendments to any of the policies that we do.

Child-centered conversations were seen as refocusing conversations, ensuring equity, and acted as an accountability measure to ensure that the BIC remained the main focus in decision making processes. Participants reported that including child-centered conversations in the decision making process led to successful results and outcomes.

Evidence-Based Decision Making

A second way human service executives deliberated with respect to the best interests of the child was using evidence-based decision making. Alice noted "there is nothing about this work that can be done without understanding the impact that it has on the children in the Province and when you understand the impact on children, you have to approach it as a moral endeavour. It is also something that we want to approach from an evidence base and make decisions on an evidence base." Although working in an area that focused on children and one that required a sense of moral agency, these decisions still needed to be steeped in rich data and research.

It was indicated that policies were made for all kinds of reasons and that in child-centered conversations about policy, data related to children ought to be front and center. When discussing the data collecting processes, Howard noted:

You need to have the data well explained and knowledge translation is key since data are often obtuse. If you can explain it in simple ways so that it has a better change of influencing policy. Data are not just numbers, data are stories, data are videos, and data are the persons dragged in front of the legislative floor as examples of what went wrong. All of those impact the political side of the decision making.

Participants indicated that Saskatchewan had a good network of information exchange across the Provinces and internationally with colleagues including the United States, Australia, and other common law countries.

Evidence-based decision making helped predict the effect of different decisions. Brian stated, “We are into a time of evidence-based decision making. We spend time at the front end to see what the numbers are and deciding what are the proper measures.” One example of this was the numbers of kids in custody. Carol described:

The highest predictor of recidivism for repeat offender inmates is whether they have a job when they get out. So we can measure recidivism as one of the measure to do that. This is a little bit more difficult because the controls are harder to maintain but one of the things that we need to look at is right now before we implement our early intervention model on the family side is to determine what are some of the outcomes.

Future decisions were made once evidence and data were collected, so it was necessary to monitor current initiatives and bring this data into child-centered conversations.

In terms of long-term effectiveness of the decisions that have been made on behalf of children, individuals varied in their ability to monitor outcomes and results. Alice described that a major difficulty in monitoring success was that children do not stay the same age or within the same environment and few studies have been done to follow individual children longitudinally. In some cases, such as the number of children being immunized or the number of children in custody, there were quantitative ways to measure the outcomes. In other areas, such as child placements, wellness initiatives, referral programs, or other decisions made surrounding children that require long-term measurements of outcomes, the data did not exist. Alice stated “I think to really, really look at the effectiveness of our decisions on the long term best interests of the child it would take more sophisticated types of reviews than what we are able to do. It would take tracking some kids for longer periods of time and that is something that we have talked about

here but we have not actually done to see what has been the long term impact of the decisions that we have made.” Evidence-based decision making was summarized by Grace, who stated: “What we need to avoid is policy-based evidence-making. You need to ensure you get evidence-based policy-making. There has to be a better job between getting the research transformed and collated so it can be used by the program planners, decision makers, and policy makers.” Collecting reliable data and having an evidence base for policy making would greatly enhance human service executives’ self-efficacy in making decisions on behalf of children.

Human service executives also used research in compelling ways to help others make decisions. Sometimes decisions were made by regrouping and reworking the research to get it to a place where the underlying story is more compelling. Howard explained:

when it comes right down to it, all of the decision makers that we deal with, whether it is the cabinet minister or a school board member, is a human being who often times needs to hear an underlying story and which is how you make it real for them and it is what is going to help them make a decision and make a change. So sometimes decisions are determined by finding those underlying stories that make for the case to trigger the change.

A danger associated with using compelling stories to make decisions was also cited. Howard described that “other jurisdictions are making changes and seeing different results and are seeing results, but if at the end of the day they are operating within a different context then decision makers need to be wise enough to recognize that the context is different and that we either are not at the spot that they are at or perhaps will never be at the spot that they are at.” So although stories compelled decisions, these also needed to be scrutinized for relevancy and generalizability. Participants reported that data collection and relying on evidence was necessary for making decisions on behalf of children. Monitoring and collecting data from current programs was seen as a necessity for human service executives to continue to make decisions efficaciously in the future.

Adhering to Models and Policy

The decision making process most cited by human service executives was following models and policies that had been set out for them. In the majority of the examples cited, participants referred to specific acts, policies, models, or frameworks that were used within their specific sector for making decisions. For example, Brian cited “case law, common law, statute, all of those things help but then I think you go beyond that to having to look at the context in terms of research and statistics and trying to be informed about what the recent knowledge is about children and children’s issues.” Those human service executives citing models and policies pointed to the governing laws of their sector as directing their decision making most directly.

The majority of decision making related to processes and administrative functions was predetermined by sector specific policies. For example, David described how in education, the allocation of funds to school divisions in the supports for learning category is determined by the Education Funding Distribution Model. The Model had been reassessed to ensure that the funds were being allocated to meet the best interests of the children within each school division and redistributed as numbers or areas of vulnerability change. Another area where decision making was driven by policy was for school closures, since, as James described: “each school division has their own policy and they have a point where there is data that triggers them to look at whether a school is viable. There is legislation that boards of education have to follow before they can close a school. It is a fairly clear procedure and there is provincial legislation that boards of education have to follow.” Therefore, many decisions had already been determined and in these cases it came down to implementing the process.

Where direct policies did not exist, human service executives strived to create structures to help streamline decision making processes. Carol explained “the challenge is developing the policy frameworks that allow us to make decisions that don’t limit those decisions to our own bias.” Alice noted “we have come up with a new formula based on a data set that is reliable in terms of keeping the best interests of the child in mind because we are working with a set of underlying data and demographic data that is certainly much more accurate than what we had been working with previously.” Fred noted:

we have introduced some new tools to our front line, it makes those decisions a little bit easier. We have just introduced the structured decision making model, it assists in decision making around immediate safety, but also around future risk of maltreatment and so I think that the better tools that people have, the better they are able to make decisions that they can feel confident in. And so whenever we return a child we would go through the risk assessment tools again with that family. We would go through the questions again and all the factors that we need to consider before we would return the child and then we would also have a follow up period.

Fred discussed that in the social service sector, “legislation is being opened ... we will be looking at the *Adoption Act* and our *Child and Family Services Act* and the best interest of the child.” Grace stated “We are in charge of developing legislation that policies are derived from and ultimately we are the funder and we are the regulator, so we look for compliance with our legislation and regulations and we distribute funds and sometimes we have conditional funds that are distributed.” Within the established guidelines of policy and legislation, human service executives made most of their decisions. Specific legislations used to make decisions was referenced by participants and is explored further in chapter 5. .

Incorporating Children’s Voices

The last perspective shared by human service executives regarding decision making in the best interests of the child was related to the inclusion of the children’s voices. Participants provided examples of how children’s voices have been included in decision making in

Saskatchewan. The Student First Engagements in Saskatchewan was described as a program whereby two advisors went around the Province and had a number of meetings to listen to children. In regard to this program David noted, “Children know when you listen to them and when you do not. They have the ability from a young age to know the difference between right and wrong. It is hard to fool children, so we need to be authentic and explore the idea that kids actually do know what is good for them.” Ingrid described the process of including children’s voice from her experience: “You have to work differently. You can’t just sit around and have these meetings where people talk because young people find that very boring.” Decision makers in this case involved children in the decision making process by asking them for their opinions and hearing what children thought about their own best interests and those of others.

Those participants who valued children’s voice in policy making noted the need for policy makers to recognize the recursive nature of policy development and create opportunities for the voice of children to be incorporated. Carol noted, “When I look at the BIC it is to ensure that the children themselves, as appropriate, have opportunities to make decisions, both in terms of the quality of decisions that they are able to make and the frequency.” The problem Carol saw was that decisions about children seemed to exclude children and were made exclusively by people in authority. In regards to child competency levels and maturity with various subject matters Fred reflected, “As leaders we have agency and can interrupt when we see processes that are not good for children. That is something as a leader I try to help my frontline people wrestle with – what we can and cannot do. I guess I want to be bold about it and who am I not to do something about this in the role that I am in.” Many participants were excited about the possibility of including children in the decision making process. Evelyn noted “I don’t think that we’re moving fast enough in that direction ... I think a lot of it comes down to sort of

paternalistic attitudes about what kids are capable of hearing – of what sorts of information they’re cable of hearing and processing – and then providing opinions about. I think we need to give them more credit than we currently are.” The majority of participants reported that including children’s voices in processes and decisions related to them was beneficial and welcomed, but that human service executives needed to exercise agency and ensure children were protected in the process.

Summary of Decision Making and the Best Interests of the Child

This section explored the range of descriptions that human service executives provided with respect to how decisions about the best interests of the child were made in Saskatchewan. In general, four findings emerged in terms of how human service executives believe decisions were made or could better be made with regard to the best interests of the child. These findings are: child-centered conversations, evidence-based decision making, adhering to models and policy, and incorporating children’s voices. In many cases, participants used more than one method to make decisions.

Challenges and Obstacles when Negotiating the Best Interests of the Child

This section explores the challenges and obstacles that human services executives perceived interfered with their ability to successfully make or implement decisions that would enhance the best interests of the child. Four challenges emerged: lack of public awareness, lack of data, limited budget and resources, and competing interests. These challenges and obstacles are explored in this section.

Lack of Public Awareness and Will

A lack of public awareness and will was one of the challenges cited as an obstacle to enhancing the best interests of the child. Alice spoke of the difficulty she had with creating

public awareness despite “social marketing campaigns and speaking everywhere people would listen to create awareness.” Despite awareness initiatives it was perceived that there was often not enough pressure on the Government to make changes with respect to children. Alice continued “it’s getting people to care enough to actually say they would like to see their Government programming to shift and do something about the best interests of children, even if it affects their pocketbook.” Howard explained that people need to advocate for the society they want as “the evidence is all out there, the low birth weight rates, the infant mortality rates, the FASD, you see the prevalence rates, violence during pregnancy, mental health issues for mothers during pregnancy.” Howard explained that “all this evidence has been out there. So then the truth is here. If enough people were to say, no, we don’t want this, then we will get the set of goals and framework that we need and the activity that will support that.” These participants felt that the public were not aware or did not advocate on behalf of children for the changes necessary to enhance the best interests of the child.

Lack of Data

One way of creating awareness was through the use of data and statistics. This was a second area noted as a challenge to making good decisions related to children. Although participants referred to research in their interviews, there was a concern about the limited data that were available, both current and local. There was a perceived difficulty in making decisions and implementing policies correctly without the data that confirmed actual needs or actual effectiveness of a current program or policy. As Brian noted “there is a lack of data and until you can actually measure something you really just do not know. We need to have data and analyze the data in a way that shows if people accessing the services are those who most need the services.” Evelyn described that there are not any current methods in place to monitor the

effectiveness of current efforts. She explained “the last round of data collection was probably around 2004 so there’s no way to measure how well our programs are working from the child’s perspective that I’m aware of right now.” Carol described one of the challenges in making decisions is the “quality and quantity of information you have as a decision maker ... you are seeking out information to fill in the gaps to make good decision that are in the Best Interests of the Child.” The lack of current and local data was a challenge for participants tasked with making decisions.

A challenge related to lack of data was the challenge of how to present data appropriately to ensure the right decisions were being made. Ingrid referred to the balancing act of presenting enough data appropriately in order to enact change, even gradual change that was in the right direction. Howard explained that as a moral agent working for the BIC he sometimes had to:

make smaller changes than what the policy analysts and policy researchers would be recommending because ultimately the decision makers, whether that’s a school board or whether that’s a member of the Province’s cabinet is not willing to go as far as might be recommended. So sometimes you balance it simply by taking it in smaller steps and just get some satisfaction from the fact that it is better than it was. It’s not as good as you can imagine it could be but at least it’s better than it was.

Evelyn noted one of her recommendations “would be that more research is somehow brought into the court process, it’s not something was lawyers you are really trained to do. If I were to go back into private practice now, I would try to include research findings as part of parenting plans or whatever else I happen to be advocating for with respect to children.” The challenge was in knowing how much information to provide and how much data are necessary to make even the smallest change.

Limited Budget

Another challenge that participants faced was the that of having a limited budget within a limited time frame. Financial constraints were seen as the largest barriers to effective

collaboration across sectors and ministries because the question of who would or could fund an initiative was always a cause for conflict. As Evelyn noted:

the biggest challenge is having a limited budget. These programs require money and if funds were available, parts of the northern half of the Province would benefit from having live bodies to provide assistance. More money could mean more mediators, more people with knowledge of family law that would be visible presences in communities to help answer questions, to help even informally mediate, to tell people where to go for more information, but it is always going to be a resource issue.

The budgetary constraints meant less programming, fewer staff, fewer resources, and ultimately fewer options. This was why the most frequently mentioned obstacle to making decisions for the best interests of the child was related to budget issues.

The challenge of having a limited budget and limited time to get approval was connected to the limits to effective decision making. Carol described that policy makers “go through the budgeting processes and having timelines that need to be met and the cycle of getting proper approvals, deploying plans, implementing plans, and assessing plans. The challenge arises when you lock into a program for a certain period of time, it seems the discussion stops, it *goes behind the dark side of the moon* and then at some point in the future it pops out again and it is like it is new but it is never new.” The challenge in remaining relevant and effective in decision making was to not let the discussion die, but, rather, to continue to engage in discussions and pursue better solutions as they arose. Carol stated: “we have always been raising children and looking for the best for them. How do you build in or generate an expectation that here is where we are today and we will need to revisit this on an ongoing basis?” Grace also noted she had “concerns about budget.” In her case the lack of budget has led to a lack of resources, “it’s a matter of saying if this is a priority there needs to be some acknowledgment of that ... where is the best place to focus resources and policy and programs to get the best return for children in terms of the impact.” David described one of his biggest challenges in education was “sorting out how

we go about making decisions with scarce resources and how we go about allocating funds so that all children, no matter where they are located in the province have the same access to educational services.” The difficulty was that with time, resource, and budgetary constraints it was difficult to keep programs and support in place.

Competing Interests

The final challenge facing human service executives in the application and adjudication of the BIC were competing interests. These competing interests were expressed in a variety of ways including: diverse perspectives, Ministry agenda versus needs on the field, different needs, different values, and competing cultural interests. The interests competing with the best interests of the child were varied and differed on a per case basis. Those tasked with representing the best interests of the child navigated through these competing interests to make the best decision they could. Below, several of these competing interests are highlighted and discussed.

In cases where litigation, mediation, or social services was involved there seemed to be more competing interests to take into consideration. Grace provided an example; within a divorce case there were generally five big issues:

property, spousal maintenance, parenting issues, matrimonial home, and issues of the divorce itself. When children are involved with these cases it is so much more complicated and so much more emotional. Sometimes in these cases people do not want to abide by the rules or come to a resolution, but are only concerned with their own needs. If you cannot get both parties to focus on what is best for the child, you feel you have not helped anyone.

All parties came to the table with their own interests and sometimes these competing interests took precedence over the best interests of the child. Brian described several of the basic factors that he saw facing children in Saskatchewan including racism, poverty, bureaucracy, FASD, and the lack of foster homes, which hindered the enhancement of the best interests of the child.

Another competing interest was the difference between Ministry agendas and needs at a field level. According to David these competing interests paralyzed change and functioned to propel the other side into making better decisions. He said “The challenge is developing the policy frameworks that allow decisions to be made that will not limit the decisions to personal bias or to a specific time, a framework needs to be open enough to not limit future discussions.” The healthier position was when the “field is pushing the Ministry and sometimes the Ministry is pushing the field in terms of modernizing policies.” Grace described that she had “concerns about process, concerns about jurisdiction and responsibility ... you have to figure out if there’s a way you can bring people back focusing on the child as the client.” In terms of staying relevant Carol noted “there is good research, but society changes every day so the magic policy bullet of today can become a barrier tomorrow and I think that is something that we as educators and leaders need to remember.” Carol explained the “challenge I think about education overall is the competing wall of demands that we face as leaders.” Diverse perspectives, jurisdiction responsibility, and various agendas were challenges facing the enhancement of the best interests of the child.

Finally, some of the most challenging competing interests to navigate were diverse values and culture when determining the best interests of the child. In situations where personal values and beliefs competed with policy or procedure that were in the best interests of the child, human service executives often found themselves in moral dilemmas. Alice provided the example of those in the health care profession who may not believe in a certain medical procedure but might still have been required to make this available to a child. Fred also noted one of the biggest challenges he discovered were competing interests especially when working with different cultures. Different values and ideals were often heightened when dealing with children because

“children evoke an emotional response from most people and everyone wants to do what is best and that is subjective sometimes. You may think you are doing what is best and somebody else might think you are not and they will have their own reasons for that.” Adjudicating personal and emotional values and ideals was difficult and yet necessary to make decisions in the best interests of the child.

Cultural diversity brought a different set of competing interests when dealing with the best interests of the child. Evelyn spoke of the First Nations culture and how their views on what is best for the child might differ from what child services determined was in the best interests of the child. This was often because “First Nations groups believe culture is the most important consideration. It does not matter if this family is not safe because there is a community that can look after the child.” Different considerations for determining the best interests of the child were seen as taking different priority in different cultures.

Summary of Challenges and Obstacles when Negotiating the Best Interests of the Child

In summary, the number of challenges that needed to be navigated to make wise decisions on behalf of the child were diverse and varied. Human service executives saw themselves as tasked with a difficult job which included listening to different needs, values, cultural norms, agendas, dealing with limited data, budgets, and lack of public awareness. Grace summarized by saying “I think one of the first things to remember is that you have to be careful that you stay relatively neutral and objective because, of course, you rarely have all the facts. So if you are dealing with a particular case you want to be careful to be neutral and objective and try to continue to be professional in what you are doing and not get too emotionally involved in the case or the situation because that will not ultimately help anyone.” Remaining objective and keeping the best interests of the child in the forefront was seen as a valuable practice. There were

also concerns about budget, process, and jurisdiction and questions about how to focus people on the child as the primary concern. There were clearly conflicts in terms of values and certainly cultural conflicts and I think all of those were challenges in terms of participants trying to find a way to advance in what they and their colleagues thought would be the child's best interests.

Next Steps for Saskatchewan

This section explores the responses human service executives provided regarding the perceived most important next steps in Saskatchewan for enhancing the best interests of the child. Findings that emerged in for the next steps for Saskatchewan were: intentional planning, collaboration, and incorporating children's voice.

Intentional Planning

Human service executives were asked to provide an analysis of Saskatchewan in regards to decision making on behalf of children and where improvements should focus. Many responses focused on intentional planning and on the need to have an evidence-based and goal-driven plan. Howard described intentional planning from an evidence-based and goal-driven perspective:

Evidence-based requires taking a realistic snapshot of the current conditions for children in Saskatchewan. The current condition involves poverty levels, single parent families, health conditions, safety, crime levels, resources, programs, initiatives, policies, and anything else that currently is in place to support children. Goal-driven requires looking at the evidence and then making realistic and measurable goals for the future and creating policies, programs, and providing resources to ensure those goals are attained.

Human service executives described the current condition of the best interests of the child in Saskatchewan and the effectiveness of policies and initiatives. Alice noted, "I do sometimes think we are a more child-friendly society than we actually are and one of my pet soap boxes is that you look at the number, 40% of aboriginal children with single mothers in poverty, what are

we going to expect will happen in this Province? And if we are going to continue to allow that to happen, what will we expect?” Ingrid expressed a similar sentiment:

Sometimes it might be easy to ignore areas where we are falling short or ignore the evidence and focus on areas of success. When discussing sustainability of the Province I think we really have to look at poverty levels for families, particularly single parent families. This is not sustainable. You cannot have a work force of tomorrow that does not have food stability or housing stability because they are not going to be going to school. This is a big investment for tomorrow. We need a poverty strategy, but we need a targeted poverty strategy.

Alice summarized that “Poverty is one of the areas that affects children and will have a direct impact on future generations of children where evidence needs to be collected, collated, and a strategic plan needs to be enforced to ensure the future generation will not face the same challenges.” Participants provided these examples of areas where action must to be taken to ensure the best interests of children are improved in the future.

Poverty was one issue touching children in the Province, but racism, economic gaps, fetal alcohol syndrome, foster homes, lack of programming, crime, custody and access cases were also described by participants as other problems children face in Saskatchewan. Participants expanded on these areas, describing how these significant issues were areas of struggle for them as policy makers. Many of these areas required funding and budgets were limited. In other areas, more research or resources were needed to make a difference, but they were not available. Fred stated that in some cases “issues of bureaucracy are getting in the way of doing the right thing. We do not have enough people stepping forward for things like foster homes where foster homes are needed. And then we have significant issues that impact our ability to make a difference, things like Fetal Alcohol Syndrome that make it so much more difficult to look for solutions.” These issues related to children were mentioned by participants as areas for improvement to enhance the best interests of children.

Human service executives acknowledged that the Government was not responsible for creating all of the changes but a balance needed to be created for effective change. Carol noted:

We are in an era, on some levels at least, of a law and order agenda and the law and order agenda gets in the way of pro-activity. We have never seemed able to do both, we are talking law and order on the one hand but certainly in our Province we are funding lots of good programs including the child and family agenda front and center. So I am not sure we are quite at the balance, but we are not as bad off as we could be.

When David was asked about what would help Saskatchewan to be more effective in ensuring that the BIC was at the forefront, he responded “I would say more resources, I think it is a matter of saying if this is a priority or one of many priorities of Government, there needs to be some acknowledgement of that and then there really needs to be some time to develop what is the actual scope of what we are talking about. There are many things that can be done but Government does not have to do them all.” Intentionally planning and putting initiatives and programs front and center while providing resources to support these initiatives would be a good start on behalf of the best interests of children.

Some participants described that to enhance the BIC in Saskatchewan, tangible, measureable, realistic goals needed to be developed. These human service executives expressed a desire that work on behalf of children should be intentional with a detailed framework so that effectiveness can be measured. Alice summarized this process of planning for the future:

We need to look ahead and set goals and create frameworks to accomplish those goals and establish reasonable rates we want to see. This Province actually has to come up with a framework that talks about what this Province wants to do about its future generations. So we need a framework, a new set of goals that we think are the goals that we want to strive to achieve in relation to children, in relation to how we help women who are pregnant, mothers-to-be, to have a healthy pregnancy free of mental health issues, free of issues of threat to her person, safety in their families, safety in their communities, access to care, and just supporting families and communities. Then we need to have goals and targets about what rates of adverse outcomes we are okay with. What do we want to have for our society, for our Province as a reasonable rate of adverse conditions? Then you go on from there. What is acceptable for standard that we want to set for our children to achieve and attain? We have to have a set of goals, standards,

targets that we want to achieve because we feel that that is the way that we want our society to be and that is how we are going to prosper into the future. That is how we are going to actually make other children's lives not just comparable to all but actually better rather than actually worse than what we have now. I feel that that is the most important set of tasks that any Government will need to set. They need to take the leadership of this.

Fred also described a process for setting goals for a better future for children:

As an example for creating a plan for the future, take the Province wide sector's strategic plan and when we were developing that, there was a phase where you pull together a draft and then you do a validity check of it, a little reviewing it with people who are out in the fields and saying, if we were to focus only on X number of things, do we have the right things here on our list and through that validity check, each of the field workers reviewed the draft sector plan. These field workers would have reviewed that sector plan and that really is what guides the top priority or the top policy issues for the Province for the coming five or six years and of course it gets revised each year so it will be modified and it will be a rolling plan but we were in our first cycle, able to get some feedback and get input and all of that direct level feedback is important for the sake of developing a plan that is going to focus on what is most important.

Within both of these recommended approaches to implementing plans, the theme that resonated with participants was to have a plan and framework for being intentional on behalf of children to ensure a better future for Saskatchewan.

As mentioned by Alice early on, the BIC is a "motherhood and apple pie statement." The majority of participants wanted to do what was best for children and agreed to focus resources and policy and programs to improve current realities for children. Ingrid noted that, "the approach is to make sure the public is aware and supportive and hopefully starts to hear that some of the investments that have been made are actually working. The Government needs to be kept accountable and people need to be aware of what investments have been made and how much impact they have had along with how much more needs to be done." When discussing this topic of effectiveness Carol mentioned the *Child and Youth Agenda*: "We are starting to move beyond awareness and starting to actually implement some areas such as the *Child and Youth Agenda*. The Government may even get to the point of announcing an early childhood strategy

and set some goals and targets. Tying poverty and early childhood strategies would enhance the work with vulnerable families.” Looking at goals and future plans David referred to the *Saskatchewan Plan for Growth: Vision 2020 and Beyond* and noted that it is great to have a plan but there is no strategy for achieving the plan. He continued, “currently, there is the Vision 2020 and elements of this (the BIC) are all in there so they can say what they want about an early childhood strategy but there is not a strategy of actually achieving it. The push now from the public needs to say we want to change and we might start to see the child agenda take form.” Public awareness and engagement will encourage the Government to be intentional and strategic in goal setting which is a next step that many human service executives believe will enhance the BIC in the future of Saskatchewan.

Collaboration

The second area human service executives noted a need to be more effective for enhancing the best interests of the child was in collaboration and partnerships. Fred, David, and Brian voiced concerns over the challenges and the need to work in partnerships across sectors. Others provided examples of how collaboration had happened successfully in Saskatchewan while some noted why partnerships were so successful in Saskatchewan and how to improve future collaboration in the Province.

First, human service executives expressed the challenges associated with collaborating while working on behalf of children. In the past, the trend had been to work in isolation and within the scope of a specific sector. As mentioned above, there was a growing desire to understand and collect data to provide an overview of the entire Province and the services available for children. Collaboration allowed for different views to be heard and creates a

collective understanding of the work that is being done in the Province on behalf of children.

Evelyn stated,

there are many pieces of a puzzle that make up the whole child. It is social. It is mental. It is their health. It is all those pieces and I think as a society, we have finally come to a place where we realize that we have all been working on those pieces but sometimes in isolated silos. When we do it together, we get a better scope of the work that needs to be done, the impact and also the collective successes.

She continued by adding “the child consists of many different facets and has many areas of needs where the best interests needs to be considered; when ministries work together they have a more comprehensive picture of the needs of the child as well as resources available to meet those needs.” David reiterated this sentiment saying “we sometimes used to work in isolation, as isolated ministries, but working together collaboratively can really refocus how we spend resources and deliver services to all kids in Saskatchewan.” There were challenges when working in collaboration, but participants felt the benefits outweigh those challenges and ultimately enhanced the BIC.

The challenges of collaborating were generally process based, including finding time, developing communication strategies, creating processes whereby interests are met and people leave feeling satisfied. Processes involved defining roles and understanding each other’s roles. Alice articulated challenges around referrals to other sectors and not being confident that these referrals were followed up or handled appropriately. If there was a coherent collaborative structure in place that was designed to address the best interests of the child from a holistic perspective the public might have been more aware and more likely to support the process.

Another challenge to collaborating was developing a tolerance and appreciation for diverse perspectives. Brian stated “I think collaboration is about balancing a tolerance for ambiguity and humility around work with children, having a strong professional acumen, and

encouraging organizations to make investments in the development of their leadership.” Carol noted, “One of the challenges of working with children at a policy level is often people hold their own experience and extend that to the experiences of others which can be quite limiting.” There was value seen in developing a tolerance for diverse perspectives and participants understood that there were probably many truths for the BIC. A set of lenses that executives could use to reflect on the best interests of children would be helpful. These lenses would help executives make the best, most informed policy decisions. Lenses could also help executives recognize when they do not have the required information to make informed decisions.

Secondly, human service executives provided two examples of successful collaboration in Saskatchewan. The first example was the *Education Sector Plan* where the Ministry of Education and 28 Directors of Education came together to use data to make decisions about future strategies for children and education in Saskatchewan. The second successful collaboration, described by Evelyn, was the Hub and Centre of Responsibility (COR) model in Prince Albert where partners from all sectors came together to ensure the best interests of the child were being met. As sectors started to work together and experience success others embarked on collaborative partnerships. Evelyn said “I get the feeling that we are either at, or very close to a tipping point of influencing public opinion into saying we have to fundamentally change the way we think about working together on some of these things because what we have been doing for years just does not work.”

The Education Sector Plan came as a result of the frustration that boards of education felt with the lack of direction, both within the Ministry and outside of the Ministry. David noted this was the first time in 26 years that the Ministry of Education and the 28 school divisions had worked collaboratively and listened to each other. *The Education Sector Plan* was a plan that all

28 School Divisions and the Ministry of Education were involved in developing. Together a plan was developed for the first two education provincial priorities in Saskatchewan. These were not new initiatives, but areas that boards had already been working on, but in silos and at separate times. Together the Ministry of Education and the 28 School Divisions collaborated by first gathering the evidence and data from all over the Province and discovered many pockets of success in this Province. Secondly, “together they set goals and took the time to align all their goals into a plan that everyone could all share and be proud of. It allowed them to have a strategic provincial focus with measureable outcomes and be able to more strategically channel resources and best practices.” Through collaboration the Ministry of Education and 28 School Division were able to align the priorities surrounding education in the Province to ensure the best interests of the child in education were being met.

David described that two provincial priorities were identified to be the focus of the educational resources in Saskatchewan. The first priority was the First Nations and Métis achievement gap and the second was literacy. The 28 Directors, from the 28 school divisions, came together with the Ministry of Education and decided on the first two priorities, and then decided on a strategy to implement these two priorities. Looking ahead, assessment strategies will be part of the conversations going forward. The public, the Ministry, and the 28 school divisions needed to have a way to measure where they had come from, in order to know where they were going and whether or not they had achieved the targets. David described the process as being about “shared priorities, information, best practices and supports. If we can progress and work collectively in this process, I think we will see success; and it is those success stories that will keep us all engaged and moving forward. The critical piece is keeping the lines of communication open.” *The Education Sector Plan* was one example of successful collaboration

and intentional planning that resulted in a clear plan with goals, resources, and processes to work towards improving the best interests of children within the education sector.

Evelyn described the second example of successful collaboration in Saskatchewan, the Hub and Cor Model. The Hub and Cor Model was started in Prince Albert by the Deputy Minister of Justice for Corrections and Policing and former police chief of Prince Albert. The Hub was based on the concept that, if a child is in trouble, collaboration could be used to keep them out of jail or other systems. The Hub gathered all the agencies involved with a child (i.e., health, education, policing, housing) along with the parents to determine what could be done for an individual child. Evelyn referred to the Hub as “a coordination of efforts.” The future plan for the Hub is to create Hubs in other centers across Saskatchewan that are all connected with a COR which stands for Center of Responsibility and the COR will provide the broader resources for the Hubs. Evelyn noted, “the Hub model is very much moving away from punishment to much more of a rehabilitative and restorative and health-based model or another way to say it is best interests of the child model.” As a result of this collaborative method focusing on rehabilitation and looking at the BIC for decision making, the number of children in custody in Saskatchewan is way down. Evelyn stated:

compared to five or ten years ago, I think we have less than half of the number of kids in custody than what it was. We were just contacted a couple of months ago by Manitoba. Manitoba Justice was looking at our numbers and they asked if they could send a chief over to talk to us and learn from what we were doing with respect to the children’s side because our numbers are down so low. We have already closed big parts of one of our child and youth custody facilities and we are talking about doing the same with another one. That is not only good news but also I think it really does demonstrate that we are putting our practice where our mouth is.

Working collaboratively on behalf of children has produced tangible outcomes on behalf of at-risk children in Saskatchewan.

This final section on collaboration focuses on why the climate in Saskatchewan was seen as “perfect for collaboration” and what human service executives said about their hopes of working collaboratively. While interviewing participants, the idea of collaboration came up in every interview. Some participants had little experience with collaboration, but the minimal interactions they had experienced left them excited for more. Others had collaborated for several years and had been reaping the benefits of their efforts.

Human service executives with minimal experience in collaboration were able to speak of initial experiences positively. Fred noted “we have collaborated in my current work, I believe this helps influence the Child First agenda at the provincial level because we deal with different ministries; the Ministry of Health, the Ministry of Education, many of those who talk about the best interests of the child – I think it has really changed our culture and has provided a broader scope because the agenda spans across many ministries.” Carol discussed how collaboration had increased across the Ministry. She said, “I can certainly tell you in my role that probably one of the significant proportions of my time is at shared tables with other human service ministries while working at the policy level as to how to deploy in an integrated fashion supports for children and families and actually communicating that so that resources that are available to individuals or communities are actually known because there are a lot of supports out there that folks just do not know exist.” This collaborative effort on behalf of ministries helped to ensure that there was less overlap in efforts and policies are more strategic. According to Fred:

One of the most exciting things right now is that idea of working together across ministries in Saskatchewan on the Child and Family Agenda. The idea that there are different arms of Government that have interactions at different levels is exciting. There is an opportunity here to reframe what we might think of competition for resources, for example, into policy discussions that are more integrative. So if you put your BIC hat on, you would say, well that program does not have to be delivered through this particular branch and we would support if resources sent there for a period of time.

Anticipation, excitement, and purpose were expressed from participants who participated regularly in collaborative policy making.

In regards to next steps for Saskatchewan and collaboration human service executives needed to “get rid of the silos between service providers” (Carol). Great strides to break down barriers and share information had occurred. Carol noted, “We need to do whatever we need to get rid of those silos and that means we need to do a better job of sharing information. In my experience over the last five years, or even the last three years, I think on both of those fronts I think we are doing much better than we used to be.” In some situations, collaboration was difficult because working independently has been the standard, but these barriers were thought to be breaking down, especially where there was common interest for collaboration on behalf of children.

Changing culture from one of working in silos to collaboration was seen to be a difficult transition to make. Evelyn provided an analogy of how this change had been facilitated in organizations:

I think if you're going to try to change the culture in a system or an organization, it is a bit like a sandwich. The top slice of bread is promoting people to positions of influence, positions of leadership, who share the philosophy that you are trying to put forward. You have to recruit people into the system to also have that philosophy and that is the other slice of the bread. Then there will be some folks in the middle and you need to try and identify those who are on side, but even if some of them are from the older culture, you will find over time that the two slices of bread get thicker and thicker and the stuff in the middle gets thinner and thinner until you reach the tipping point and the teeter totter tips. There will be a bunch of people in the middle that did it the old way who were just there because that was the norm and it was easy and once it starts to tip, a whole bunch of people will move to the new paradigm. The mistake we sometimes make is we think we have to convert everybody, so we devote way too much energy trying to convert those last few hangers-on who are digging to the wrong side of the teeter totter with their fingernails and sometimes we just have to say that is where you are. So the answer to successful collaboration and change: support people at the front end and recruit people at the front end and train them when they come in. Get those people in the positions of leadership and the rest will come over time.

This was one perspective of how human service executives can influence change and move to a culture of collaboration.

Participants recognized that making decisions on behalf of children was a difficult endeavour and collaboration was a way to help make better more informed decisions. Carol saw that exposing herself “to different views and conversations as a moral imperative” for someone in her position. She described that “There are not many people in my position so one of the things I reflect on is what will they say about me as a result of the work that I did. I consider that to be a pretty high moral obligation for strong things to be said about the work.” At the end of the day “I would like to be recognized for being at many tables where many voices were considered. Voices that were supportive, voices that were challenging and that I was able to lead through a conversation where we got to a better place where people felt that they had agency in the determination of what is effective for children.” In our culture, we tend to push for a final decision but not much related to children is answered easily and involving many voices and perspectives can help make decision making easier.

Organizations and ministries in Saskatchewan were taking steps to move forward to accept collaboration changes. David stated, “The biggest changes that I have seen are the relationships that are being built with other partners both within and outside of the sector. These relationships allow us to have the difficult conversations, find mutual solutions, and have some accountability in raising children. I have always believed in the term *it takes a village to raise a child* and I think I have seen more evidence of this in the last year than I ever have.” The general consensus from participants was that interprofessional and intersectoral collaboration worked well in Saskatchewan. Collaboration was seen as working better at the local-municipal level than at the provincial level, but there was a transition occurring for collaboration on big issues

and even across branches within Ministry, according to Evelyn. In many ways, Saskatchewan was perceived as leading the country on intersectoral collaboration, making a meaningful and intentional difference for the best interests of the child.

Incorporating Children's Voices

This final section explores how incorporating children's voices could enhance the conditions for children in Saskatchewan. Three areas are discussed in this section: first, four participants described programs that have been used to engage children's voices in Saskatchewan; next, the insights and hopes are described of those participants who believed child participation was one of the next steps for the Province, finally the concerns or challenges some participants foresaw with incorporating children's voices are described. These three perspectives will be explored in this section.

First, within Saskatchewan there were some programs and processes that had been formalized for children to vocalize their concerns and perspectives. These initiatives were relatively new and how the data were used was not discussed. Two of the programs were within the Ministry of Justice and the third was an initiative by the Ministry of Education. In the following section these three initiatives are described.

The Ministry of Justice was delivering the first program. Evelyn described that there has informally been a program of court appointments for counsel for children who were the subject of child protection proceedings and the Province was in the process of formalizing this program at the time of the interview which will be administered by the Public Guardian and Trustee. The program was designed to ensure that the perspectives of the child were put before decision makers in cases where it was warranted. Evelyn argued that involving the council for children to

put the child's perspective on the table would keep a lot of files out of court and that it is very much in the child's best interest to have a say in these situations.

The second program, described by Grace, was offered through Victim Services and was for children exposed to violence or going through divorce situations. Through talking with children, human service executives were able to evaluate current programs and figure out what might work best for children and what would not work well. Grace noted "We have done education programs for children going through divorce, trying to find out through evaluation whether those programs are helping. We have found they are helping, the kids know they are not isolated; that the feelings they are feelings other kids have too and they have a bit of a support group going through the process." In this case, children's voices informed human service executives that their programs were or were not effective and pointed to areas that needed to change.

The third initiative, described by David, used to elicit children's voices was through the Ministry of Education and was called *Tell Them From Me*. *Tell Them From Me* was a survey tool that allowed students to provide their input into school improvement initiatives in an anonymous way. Data collected was used to inform the school divisions and community council as they supported students' well-being and planned for improved student learning and achievement. David noted that

one reason this survey was deployed was because there are good programs operating in high schools right now and a lot to offer many students but statistics say that 70% of them are not engaged in high school and I think we have about 90% who say they are engaged when they are in grades 1-3. The little kids are having a great time at school but the high school aged kids are just putting in time, basically, and not always enjoying it. I think we can do more there.

The *Tell Them From Me* survey was developed to hear directly from children regarding educational initiatives and to collect suggestions to improve the education system.

Finally, Fred worked in the social service sector and was in the process of reviewing legislation pertaining to children in the sector. Fred described an organization called the Saskatchewan Youth in Care and Custody Network: “They are youth that are in or from care or in or from custody.” Fred described that the social service sector worked closely with that group and said that they will “definitely be part of the consultation on new legislation. We bring them potential policy changes and get their views on that and so again, we will be working closely with them.” Fred hoped that other youth will be suggested so they can get a broader representation of youth than usual on new legislation changes.

Overall, 6 of the participants spoke positively about incorporating children’s voices or about how they had benefitted from incorporating children’s voices in various processes. Ingrid described that the process involved working differently because children were involved, but that different can be what the situation requires. David described the energizing feeling of engaging with students:

I think it would be worth everybody’s time to sort out how we can do a better job of getting direct input from students in all of our education policies, or in more of our education policies. We saw such an energizing influence from having the students involved in the core design that I think that kind of experience can be translated into other things and I would go as far as to say it could be incorporated into curriculum development and instruction practices and assessment practices.

Throughout Evelyn’s interview, she advocated that inclusion of children voice in family law cases would be a step forward and that the movement in that direction was not fast enough. She identified, “A lot of research on involvement of children in mediation has been quite positive ... I think we need to give them more credit than we currently are ... we should be doing more to try and involve children or giving them a say.” James described a process in education called Student First where students were being interviewed and engaged in conversations and explained “just having the broader perspective will help us to remember that students need to be in the

forefront of decision makers.” Carol also worked in education and referred to Student First as the process of sending two advisors out around the province to listen to students and “explore the idea that actually kids do know what’s good for them.” Carol explained that “when I’m thinking about the Best Interests of the Child is to ensure that children themselves, as appropriate, have opportunities to make decisions, both in terms of the quality of decisions that they are able to make and the frequency.” These participants had experienced benefits from incorporating children’s voices and were anticipating the positive benefits of incorporating them more in the future.

Three of the participants provided insights regarding the challenges of incorporating children’s voices. For example, at the court level in custody cases, Evelyn described that children should not be put in the position of feeling that they have to take a side or somehow get involved in the conflict, but in some cases it might be appropriate to provide the opportunity for children to provide feedback, “which a lot of research suggests is in the best interests of the child. They do not need to make the decisions, but they should have a say.” Grace described that in her experiences working in the justice sector involving children’s voices is “very difficult to do.” She explained that the justice sector has collected children’s evaluations of programs related to victim’s services and education programs for children going through divorce. Grace made the point that in those situations children’s opinions were valuable but “having a sit down discussion with children about something, for example, child support guidelines, you’re not going to get very far.” Grace said there needed to be a purpose to engage children and to know the specifics of what you are trying to elicit “because you do not want to put them in a situation where it is just tokenism or where you are using them. It has to be some purpose for the

discussion so it is a meaningful process for them as well as for us.” Grace wanted to ensure that including children was a meaningful process.

Howard described that keeping children at the center of conversations was a refocusing tool, but expressed the difficulties he saw in including children’s voices. Howard expressed:

Someone might say that if we are talking about youth, we have to have youth there. If you are talking about children, you have to understand that I do not know whether that is, besides optics and besides the symbolism that it represents, a fruitful way to go. The thing is that we have legislation that limits the age at which children work and really, children are not just tiny adults. I think that they are mentally different than adults so I think that bringing children into the conversation, I do not know whether that would work developmentally, whether that has any value other than the symbolism, other than the recognition that is actually sort of represented in actual personification. Other than that, I do not know how it would work.

Fred expressed that safety was his primary concern with incorporating children’s voices. He described: “I think involving the child is another key aspect, another key consideration, but then that can also create a dilemma because that the child might want, an adult may believe will lead them to not be safe” These were the challenges and considerations participants noted for

incorporating children’s voices.. In this section, examples were provided of ways children’s voices were being incorporated in decision making processes. The majority of participants expressed anticipation at incorporating children’s voices in decision making processes.

Challenges and considerations were noted by a few participants, some of whom noted concern about including children in decision making. The topic of including children’s voices needs further exploration.

Summary of Next Steps for Saskatchewan

This section explored the responses human service executives’ provided regarding the perceived most important next steps in Saskatchewan for enhancing the best interests of the child. Participants provided detailed stories on what was working and ways that the Province of Saskatchewan could improve in terms of enhancing the best interests of the child. The findings

that emerged for next steps for Saskatchewan were: intentional planning, collaboration, and incorporating children's voice.

Hope for Saskatchewan

To conclude this chapter I will summarize a finding that emerged throughout the course of the data collection. As I listened to perspectives and experiences of how human service executives deliberated the best interests of the child in Saskatchewan, the theme of hope emerged. The human service executives I interviewed described challenges and obstacles they faced. As the interviews progressed, every participant revealed in their own way the passion they had for the work they were engaged in and one of the main reasons these participants stayed engaged in their work was because they believed they could make a difference. As participants described their work, programs they were engaged with, and their personal involvement they described hopeful situations and resonated a belief that the future for the best interests of the child in Saskatchewan is bright. These sentiments of hope are what will conclude this chapter.

As was mentioned previously, Saskatchewan has a small community mindset and a unique history. As such the Province has generated trust and relationships to allow for successful partnerships and programs. As participants reflected and looked to the future, they responded with hope and excitement with regards to the best interests of the child. Evelyn described, "overall, as a Province, I think we are doing well. Most Provinces and territories have struggled to figure out how to directly involve children in having a say, but programming-wise Saskatchewan is doing a great job." Carol described how hope and belief in her ability to make a difference was the reason for the role she held: "If I ever did not have hope or believe we were making improvements; I probably would not be in this role. I see us making progress. We always have, but now I see us being more strategic and channeling resources and priorities and

focuses. You can start to see results when we build on the already existing success stories in this Province.” Howard referenced that Saskatchewan has weathered the economic circumstances better than a lot of the rest of the world and if there is a place where we should be able to meet the best interests of the child successfully, why not here? The size and history of Saskatchewan has contributed to relationships across sectors making it easier to work towards a common purpose.

Human service executives shared stories of their roles, their work with children, the programs they were implementing, the policy changes, and the sense of moral obligation and agency they felt when it came to enhancing the best interests of the child in Saskatchewan. As interviews progressed, participants became more energized and passionate as they spoke proudly of the work they were a part of in Saskatchewan. Brian said, “I have never felt as excited or energized as I have in the last year about what is happening in Saskatchewan. I mean there are difficulties and challenges because people do believe what they are doing already is best, but I really think we have come a long way.” Carol told me that she felt they were reaching a critical tipping point where the culture, economy, and sectors were aligned just right for working towards the best interests of children.

A few human service executives expressed hope for the First Nations children of the Province. Ingrid observed, “From an economic perspective, the Province is in decent shape compared to a lot of places. We were a bit of an island of tranquility in a sea of economic turmoil in 2010 and I am really hopeful in terms of our First Nations population.” Howard noted the decline in unemployment and specific initiatives to address concerns specific to First Nations children. He said, “I guess in terms of overall in the Province we look at diversity. If we look at the success of First Nations and Métis communities, I think there is a particular opportunity here

in the Province for Saskatchewan to be a leader around the deployment of support to aboriginal children.” Although there was not a specific demographic that I was focusing on for the purposes of this dissertation, participants were quick to advocate for more resources, specifically manpower to work with First Nations children to create new initiatives and programs to meet targeted needs.

Throughout the interview process almost every participant quoted the proverb *it takes a village to raise a child*. Often it was just a sidebar or trailer to a thought, but the sentiment resonated that at some level the participants felt they were part of a village. The village could be as small as a family or it could be as big as a whole neighborhood, or a whole city, or province. Howard was associated with a Unitarian congregation that proclaimed to be a *child friendly* congregation. Howard noted “In every village there is the need to dissect beliefs, terms, and definitions around the concepts of *child friendly* or *best interests of the child* and develop a culture to reflect those values.” Carol said, “I really believe Saskatchewan is strong. I especially now believe that we are strong because of the relationship we have with our traditional sector partners and nontraditional partners. It takes a village to raise a child.” It was generally held that if Saskatchewan was a village, and all the ministries, sectors, and partners were to come together to create the best possible village, the future for children will be bright.

Summary of Chapter Four

In this chapter, I presented the finding from the ten interviews, providing the perspectives of human service executives and the BIC in Saskatchewan. The participants were described and provided with pseudonyms to preserve their anonymity. The findings were presented under the sections of: Conceptualizing the BIC, Purpose and Agency, Challenges and Obstacles when Negotiating the BIC, Decision Making and the BIC, Next Steps for Saskatchewan, and Hope for

Saskatchewan children. In chapter five, I will summarize the study and finding, contextualize the data within the literature, reconsider the conceptual framework, and address the implications of the study for future studies related to the BIC through policy, practice, theory, and further research.

CHAPTER FIVE

Summary, Discussion, and Implications

In this final chapter, I first summarize the study by presenting an overview of the purpose and methodology. Second, I provide a discussion of the findings related to the purpose of this study. Finally, I reconsider the conceptual framework and address potential implications for policy, practice, theory, and further research related to the best interests of the child.

In essence, I have collected data and reported on Saskatchewan human service executives' insights with respect to the best interests of the child principle as these inform practice, policy, and research in human services. Secondly, I have examined human service executives' perceptions of moral purpose, agency, and efficacy in the application of the BIC principle. The data collection for this research took place from January to June 2014. Data were collected using a semi-structured interview format. This chapter provides an overall summary of the dissertation research and gives particular attention, through summary and discussion, to the contributions made by this research, including implications. Figure 5.1 depicts a diagrammatic representation of the presentation of elements of this chapter.



Figure 5.1: Diagrammatic representation of contents of chapter five.

Purpose and Methodological Overview

The purpose of the study was to identify Saskatchewan human service executives' insights with respect to the best interests of the child principle as these inform practice, policy, and research in human services and, secondly, to examine their perceptions of moral purpose, agency, and efficacy in the application of the BIC principle, as delineated by the UN Committee in the *Concluding Observations on the Combined Third and Fourth Periodic Report of Canada* (United Nations, 2012). I conducted this research because during the most recent combined 3rd and 4th review the UN Committee on the Rights of the Child, the group who reviewed Canada's progress in relation to children's rights, noted that Canada had been unable to implement previous recommendations from the Committee. Canada was given another five years until the next report to implement the recommended changes and prove to the international community that Canada, in fact, has worked to enhance the best interests of children. Uncertainty about the BIC principle has been complicated by the *charade of certainty* with which the phrase is used institutionally. Salter (2012) explained the BIC "encompasses a mass of confusing and often contradictory notions" (p. 182). The BIC principle is one of the standards for making decisions involving children, but the open-endedness and vagueness of the term may also be used to justify personal interpretations (Parker, 1994). In light of this, I was interested to see how human service executives interpreted and applied the BIC principle in their individual contexts. This research was framed within the conceptual diagram in Chapter 2 based around the concepts of moral purpose, moral agency, moral efficacy, and the decision making process. This initial conceptualization is reconsidered later in this chapter.

For this study, I used a qualitative research design (Denzin & Lincoln, 2005) and purposive sampling (Creswell, 2007), which lent itself well to providing answers to the research

questions regarding perceptions and provided the depth and explanations necessary to explain future steps. Once ethics approval was granted by the University of Saskatchewan Advisory Committee on Ethics in Behavioural Science Research, I contacted human service executives across Saskatchewan to invite their participation. Semi-structured interviews were conducted with 11 human service executives to collect the data used for this dissertation.

Interviews were conducted using a set of standardized questions followed by clarifying and probing questions. These clarifying questions allowed me to tailor questions to participants and to elicit information in the areas of specialization. In keeping with the study's purpose, I allowed my questions to develop, especially as I became familiar with each participant's context. Working with the interpretive assumption that there are multiple realities and that these realities are contingent upon what individuals' construct (Guba & Lincoln, 1989), proved to be an appropriate methodological stance for this study. The participants worked in varied contexts and this discrepancy led to diverse, varied, and rich data from each individual.

As indicated in Chapter 3, after listening to the recordings and reading the transcripts to gain a comprehensive overview and to capture the complex detail of what the participants said (Creswell, 2007), formal analysis of the interview data was performed in a fashion consistent with Hood (2007) and Thomas' (2006) Generic Inductive Qualitative Method (GIQM). Throughout the interview process, I was able to obtain an overview of the work being done in Saskatchewan on behalf of children and displayed human service executives insights of the various initiatives, work, challenges, decision making processes, and suggestions for future steps to improve the implementation of the BIC principle in Saskatchewan. I hope to share these findings with educational, health, judicial, and social service executives, as well as with policy-makers, in order to provide suggestions for future decisions related to policy, strategies, and

practice. This next section provides a brief overview of the findings from the human service executives according to each of the research questions.

Summary of Findings According to Research Questions

This section presents a brief summary to the data and findings related to each of the research questions. A further elaboration and discussion of key findings will follow this summary.

The first question in this study was: To what extent do human service executives view the Province of Saskatchewan, and its current policies, practices and services, approximating the standards set forth in the *Convention of the Rights of the Child* and the subsequent recommendations from the *UNCRC*? Insights elicited through human service executives' responses revealed that many of the human service executives I interviewed did not have specific knowledge related to the standing of Canada in relation to the most recent *UNCRC* report, the combined 3rd and 4th review, submitted by Canada nor the recent recommendations, *Concluding Observations on the Combined Third and Fourth Periodic Report of Canada*, (United Nations, 2012), from the UN Committee and could not comment specifically on how different initiatives in Saskatchewan approximated the recommendations. Those individuals who did have knowledge of the *UNCRC* were using the document to varying degrees to inform their decision making in their practices. General knowledge, understanding, and implementation of the *UNCRC* varied across human service executives. Some understood the process and recommendations to Canada, those in the justice sector and social services relied on the portions that applied specifically to their role to provide guidance and were looking for ways to incorporate the *UNCRC* to make decisions in the future, and those who worked in the education and health sector did not speak directly to the *UNCRC* or to the most recent recommendation

from the UN Committee. A hypothesis for this discrepancy of knowledge of the UNCRC across the sectors is discussed later in this chapter. While great strides were being taken in the social service and justice sectors to ensure the *UNCRC* was being prioritized and make a primary consideration in Saskatchewan, a discussed challenge was seen as determining how to apply principles in practical ways and how to create legislation to embed the BIC into the culture.

The second question was: How do human service executives describe their role and the scope of their influence with respect to the determination of the best interests of children in policy, administrative function, and in specific cases? In defining the scope of their roles in relation to determining the best interest of the child, human service executives referenced having the ability to conduct research to inform future policy and programming, make policy, provide healthcare, work within intentional partnerships to ensure the best interests of children's well-being were being met, mediate between parties on behalf of children, consult to ensure the BIC was being considered, advocate to have children's welfare considered, collaborate with first nations agencies, lead service delivery programs that involve children, design programs and legislation for children, and worked to promote the rights of children and provide better services for children and youth. The scope and definition of sector-specific roles are discussed in more detail below.

The third research question was: How do executive human service executives view themselves as moral agents through the range of ideations, deliberations and determinations of BIC in the Province and within the sphere of their roles? Through the various range of ideations of the BIC human service executives viewed their role as moral agent as protectors, as agents ensuring a better future, and as advocates on behalf of children. Participants used their role to

bring issues related to children into the forefront. Participants reported acting to create awareness and protect children and enforce rules, policies, and legislations related to children.

The fourth research question was: What is the range of descriptions that human service executives provide with respect to how decisions about the best interests of the child are *currently made* and might be *better or best made* in Saskatchewan? Human service executives described different legislation and policy that helped them in their decision making processes. These public extant documents are reviewed for common definitions, principles, and constraints, which are then compared with the commonalities that emerged from interviews with the human service executives. In regards to how decisions are made and could be better made, there were four sub-categories that emerged: child-centered conversations, evidence-based decision making, adhering to models and policy, and incorporating children's voices.

The fifth research question was: What are the challenges and obstacles that human service executives, and their staff, face when making decisions throughout the range of specific contexts and contestations that call for the application and adjudication of BIC? Human service executives expressed several challenges in the decision making process that impinged on their ability to make decisions in the best interests of the child. Challenges reported during the interview processes were: lack of public awareness and will, lack of data, limited budget and resources, and competing interests.

The final research question was: What implications from insights do human service executives offer regarding policy and practice related to the best interests of children for future work in this sector and how do these next steps address the implications listed in the *Concluding Observations on the Combined Third and Fourth Periodic Report of Canada*, provided to Canada from the United Nations Committee on the Rights of the Child (the UN Committee)?

Four implications emerged from the data. First, human service executives described a need to intentionally plan and create strategies on behalf of children. Secondly, human service executives reported a desire to collaborate and combine efforts with other sectors to become more effective in efforts on behalf of children. Thirdly, human service executives displayed a desire to incorporate children's voices in decision making processes. Finally, human service executives described factors that aided in decision making processes for the best interests of the child. The four implications are discussed in detail below in the section on implications and further research.

Discussion of the Findings

A brief summary of the findings according to research questions was provided above. In this section I discuss the cumulative findings in relation to the purpose of the study. The following discussion is the result of taking the main categories and sub-categories produced by the Generic Inductive Qualitative Method (GIQM) coding process from chapter four and interpreting the insights from the coding process by relying on the literature and extant public documents. The resulting analysis and synthesis of the interpretive process provides the discussion resulting below. The first section, Childscape of Saskatchewan, focuses on describing human service executives' insights in relation to the best interests of the child in Saskatchewan. The second section, Moral Purpose, Agency, and Efficacy, describes human service executives' insights in regards to their role in relation to children and how they perceive their moral purpose, agency, and efficacy.

Childscape of Saskatchewan

Part of the purpose of the study was to identify Saskatchewan human service executives' insights with respect to the best interests of the child principle as these inform practice, policy,

and research in human services. This section explores what I have termed the *Childscape of Saskatchewan* and analyzes the executives' insights with respect to best interests of the child practices, policies, and research and expands on the second question: How do human service executives describe their role and the scope of their influence with respect to the determination of the best interests of children in policy, administrative function, and in specific cases. The individuals interviewed were well known and respected in their sector for bringing innovation to research and programming related to children. They were leaders in the creation and implementation of policy in their specific sectors related to children. In defining the scope of their roles and agency, some of the titles they used to refer to themselves were: researcher, policy-maker, Government official, health-care provider, clinician, university faculty, public health worker, advocate, judge, lawyer, social worker, educator, community partner, and program facilitator.

For the purposes of this chapter I expand on findings from chapter four to provide an overview of the emerging image I saw as I spoke to the different participants. As I interviewed the participants, I was able to hear different pieces of what I have come to call the *Childscape of Saskatchewan*. Childscape refers to the landscape related to children or the current conditions of children in a particular location. Throughout the interviews a picture formed of the different sectors related to children in the Province of Saskatchewan and the programs and policies in place to support these children. This section explores the Childscape of Saskatchewan by sectors. I have used sectors for this section because of the similarities between human service executives in similar sectors and because the conceptions of the BIC and initiatives on behalf of the BIC were similar within sectors.

Health care sector. Healthcare workers have unique opportunities to witness the progression of a child's life from conception into adulthood. Two of the participants worked primarily within the health care sector. These individuals were well known and respected in their sector for bringing innovation to research and programming related to children. They were both leaders in the creation and implementation of policy in healthcare related to children. Both participants contextualized the child as linked to the family and environment and when speaking about the BIC, centered the discussion around the wellbeing of the entire family. In defining the scope of their roles they referred to themselves as researcher, policy-maker, Government official, health-care provider, clinician, university faculty, public health worker, and program facilitator in children's health. These two healthcare executives provided the wellness pieces to my construction of this Childscape of Saskatchewan.

The biggest piece of the Childscape image that the health sector filled was related to the function of providing for children's wellness. Health care human service executives were involved with meeting the BIC by providing for child and youth well-being. Alice discussed the health inequalities that existed and that the health care sector had gone above and beyond to ensure equal access and service for all children. For young children this had meant the creation of immunization programs that picked up families from their homes or where clinics were located in areas that were easily accessible by those who would otherwise not have been able to access the service. School age children were delivered health education curriculum in classroom settings and public health had largely been involved in schools to ensure different aspects of wellness were being addressed. Alice noted the health care sector had a harder time impacting high school age children, but she indicated they were looking for ways to engage with the youth at that level. The programs and policies being implemented by the health care sector were

described as refined and targeted to address the specific issues that had emerged in Saskatchewan.

In chapter four health care participants described that their roles took them into research areas where they were producing new knowledge and new understanding and insights that could be applied to make children's lives better. The notion of evidence-based policy making was emphasized by health participants as the key to making good decisions. Many of the difficulties children faced were linked back to wellness and, therefore, these health care executives took the lead on conducting research to inform future policy and programming. Specific areas where health care executives described being involved in conducting research were: health inequalities, child health, mental health, risk taking behaviours and factors, healthy schools, resiliency, early screening to predict high-risk situations, and looking at the family as a whole from early on to ensure all children were getting equal health care opportunities.

Health human service providers were engaged in many partnerships and collaborated with different sectors to ensure the BIC was being achieved. Participants noted the importance of collaboration and interdisciplinary partnerships with many government and non-government organizations including the Saskatchewan Population Health and Evaluation Research Unit, kidSKAN, the Regional Intersectoral Committee, and Education. Howard explained how engaged with community partners and different organizations to understand current issues related to children so he could help address them. Alice described her collaboration efforts as she had partnered with schools and social services to help improve the reality for children in Saskatchewan by identifying risk factors and developing targeted strategies to address the risks or by providing referrals so children receive the help required. Health human service executives clearly identified their piece of the Saskatchewan Childscape and described working

strategically, using evidence-based research and intentional partnerships to ensure the best interests of children's well-being were being met.

Judicial Sector. Those working in the judicial sector provided a spectrum of services to children in Saskatchewan: from protecting the basic needs and rights of children to meeting specific and individualized needs in other situations. Three of the participants worked primarily within the judicial sector. These individuals brought a wealth of experience and knowledge to their positions and displayed a passion for ameliorating any threats or barriers to the BIC in Saskatchewan. They were each involved with policy development and implementation across a wide variety of areas related to children. These participants contextualized the BIC as circumstantial and provided various examples of the BIC within a variety of contexts. In defining the scope of their roles they referred to themselves as policy-maker, government official, lawyer, mediator, and advocate.

Some of the areas that judicial human service executives were working on behalf of the BIC were: international child abduction files, separation and divorce, parent education programs, family policy, young offender policy, criminal law policy, child protection, child support guidelines, consultation on family issues, representation in legal cases, and child welfare legislation. Children may have contact with the judicial sector at various times throughout their childhood depending on individual situations. Some children benefit from the judicial system's policies but never have a direct encounter; while other children may have frequent contact with the judicial system. In chapter four, Evelyn described that she would like the judicial system become a preventative system instead of a reactive system.

Judicial human service executives provided the broadest range of child services across Saskatchewan. Participants working in the justice system described being involved with almost

every sector in Government and being involved with many working groups and had partnerships across the sectors on behalf of children. The participants described many initiatives within the Ministry and within the community for the BIC. As earlier indicated, the Hub and Center of Responsibility (COR) model was one example of an initiative that had been undertaken by the judicial sector that incorporated partnerships with all sectors and community supports to act in the best interests of the child and this initiative was being replicated across the Province of Saskatchewan. The Hub program was for short-term casework and the COR was designed for longer-term studies to determine the impact of efforts.

Child protection was another area where the judicial sector was largely involved. Those in the judicial sector create, amend, and implement the policy necessary for family law matters. Often in family law cases, the best interests of the child required looking at each individual child, on a case-by-case basis. In cases of separation and divorce, the goal was expressed in terms of minimizing conflict around children. Human service executives worked to create programs, such as the parent education programs, to help parents refocus on the best interests of the child. Besides enhancing the BIC in particular cases, the judicial sector also added to the Childscape of Saskatchewan by offering a variety of programs, information, and legislation to enhance the best interests of the child.

Judicial human service providers were engaged in many areas, provincially and nationally, to ensure the BIC was being achieved. Participants noted the importance of ensuring the BIC was being actualized holistically. At a most basic level, they were concerned that the most basic necessities of life – food, shelter, education, and health care – were being adequately addressed. After the most basic needs were met, those working in the judicial sector were focused on viewing every child as an individual and primarily tried to view situations from the

child's perspective and within the context of the individual's life. In this way, the judicial sector took a general to microscopic view of the Childscape of Saskatchewan and was involved in ensuring the BIC was being achieved on many levels and in many situations.

Social Services Sector. The social services sector provided a description of the Childscape of Saskatchewan that gave a face and voice to those children who required someone to speak on their behalf. Two of the participants worked primarily within the social services sector. These individuals worked within the Ministry, Government, and within the community to ensure that children and youth in Saskatchewan had a voice, and that their rights, best interests, and well-being were respected. These leaders advocated, created, and implemented policy across all sectors related to the welfare of children. In defining the scope of their roles at the time of the interview they referred to themselves as advocate, child protection worker, community-based organization leader, collaborator with first nations agencies, service delivery leader, program and legislation designer, and liaison with the 17 First Nations Child and Family Services agencies.

The social services sector provided the piece of the puzzle in Saskatchewan of helping the most vulnerable children. In many ways these participants were perceived to be the first responders to children in crisis. Social service executives described making decisions daily by referring to important considerations that reflect the best interests of the child. These participants worked to promote the rights of children, to provide better services for children and youth, and to research and gather information on anything that impacts children in order to comment on it. And, finally, those in this sector were concerned with the safety of the child and improving conditions to ensure that safety was upheld as a right for all children.

In the Saskatchewan Childscape the social services sector were the front line players responding to urgent needs and working to ensure the basic needs of all children were being met. These participants worked to create programs, create awareness, write legislation, and involve the community to ensure that the BIC was achieved. This was the sector that strongly indicated that it required more resources to meet the needs of the most vulnerable children in the Childscape of Saskatchewan.

Education Sector. Three of the participants worked primarily within the education sector. These individuals were involved at varying levels of governance in Saskatchewan both within the Ministry of Education as well as within the Saskatchewan School Board Association and Canadian School Board Association. These participants oversaw the gamut of areas related to children within the education sector. These services including: finance, provincial libraries, early learning and childcare, and prekindergarten through to grade 12. Among the three participants, a large breadth of experience and knowledge were described.

As the interviews with the three education sector participants unfolded, it became clear that they were passionate and engaged with their roles. Amongst the three participants their roles were designed to educate children on their rights and responsibilities while creating an education system that enabled children to flourish and achieve their potential. The scope, breadth, and work engagement of these participants consisted of: setting priorities and direction locally and provincially, building relationship with partners, providing a voice for local communities, finding trends in education provincially, working on the Child First Agenda, Student First Initiative, Saskatchewan Plan for Growth and Education Sector Plan, creating Province-wide strategic policy, providing education funding, working on building infrastructure, coordinating the development of the Province-wide sector plan, evaluating current policies, reporting the

parent perspective, attaining the child's voice, policy and programs in the K-12 Sector, developing a plan for literacy in the Province, developing curriculum, providing instructional support, developing assessment and programming plans, and navigating between the program and financial side of the sector. This list is not complete, but does provide a sample of the work these individuals did on a daily basis to improve the Childscape of the present.

Summary of the Reality for Children in Saskatchewan

Across the sectors, participants were willing to answer all questions and throughout the course of each interview I could see the different facets of the Saskatchewan Childscape emerge. From the four sectors, participants provided insights into some of the substantial aspects of children's wellbeing, rights, enhancement, and wellness. Every sector was committed to contributing their part of BIC Childscape and to providing a comprehensive group of programs, processes, and supports. In chapter four, participants described a Saskatchewan on the cusp of some excellent and hopeful endeavours on behalf of children and that great things could happen in terms of public engagement and children becoming passionately engaged in what they are doing.

Each participant helped fill in the gaps of how different individuals were working within their sectors to meet the best interest of the child, providing pieces to fill in the purpose of this study. The health care sector provided for children's wellness and well-being by addressing inequalities, poverty, and at-risk children. The judicial sector worked on behalf of children by providing a spectrum of services from protecting basic needs to meeting individualized needs in numerous areas including: separation and divorce, parent education, child abduction, child support, and criminal law. The social services sector worked to ensure children had a voice and that their rights and wellbeing were being respected. The education sector provided for

children's educational needs; ensuring children are able to meet their potential and are supported in educational settings. Every sector endeavoured to partner across sectors and within communities as well as engaged in research and policy creation and implementation. Participants described how they collected data to provide an evidence-base for policy creation. Participants were able to provide insights as to how the BIC principle informs practice, policy, and research in Saskatchewan and how these policies and practices work to improve the BIC standard in Saskatchewan.

Moral Purpose, Agency, and Efficacy

The second part of the purpose of this study was to examine human service executives' perceptions of moral purpose, agency, and efficacy in the application of the BIC principle. In chapter 2 the concepts of moral purpose, moral efficacy, and moral agency were examined and I used the definitions as a foundation to examine the data obtained from the participants. A moral purpose becomes important when leaders are making decisions, managing people, or leading within their organization (Begley, 2010; George, 2007; Luthans, & Youssef, 2005). Moral purpose can be defined as "the extent to which leaders feel a sense of psychological responsibility over the ethical nature of their own actions, those of others around them, and their organization, or another collective" (Hannah & Avolio, 2010, p. 293). Moral agency involves action and making decisions on behalf of that purpose. Moral efficacy is the belief that a moral agent can influence moral change and achieve results if they take action. In chapter 2, I proposed that these three components work together in order for human service executives to make moral decisions on behalf of children. In this section the third research question was examined: How do executive human service executives view themselves as moral agents through the range of ideations, deliberations and determinations of BIC in the Province and within the

sphere of their roles? An analysis was conducted to consider what human service executives described in terms of moral purpose, moral efficacy, moral agency, and decision making and how these were seen as working together for the best interests of the child.

Moral Purpose and Agency. In examining the findings, all participants noted a sense of moral purpose in their work with regards to the best interests of the child. This section first examines the three types of moral purpose described by participants combined with the supporting literature: internal moral purpose, external moral purpose, and a moral purpose in tension. Secondly, an analysis of the insights related to moral purpose, moral agency, and moral efficacy and the application of the BIC are considered.

Intrinsic moral purpose and agency. Intrinsic moral purpose was defined as having a sense of obligation or duty that is separate or unrelated to position or job description and has become a life purpose or pursuit that is generally connected to a larger purpose. Intrinsic moral purpose falls within virtue theory where “the object of moral evaluation is not the act itself, but the character of the actor” (Garofalo, 2003, p. 494). In virtue theory, a range of goods exists, from internal goods to good practices, and these are valued not because they yield a particular outcome but because they are a part of the human experience (Williams & Murphy, 1990). Within this category of intrinsic moral purpose, participants who were able to relate to having a sense of internal moral purpose were invited to talk about how their life’s work had revolved around a moral purpose. Often, participants with an internal moral purpose were able to relay stories about an incident or moment that set their life on this course and since it had been their pursuit. In most cases, their causes were ideologically grounded or linked to a passion or life purpose.

Intrinsic moral purpose is something that is often connected to a larger piece of humanity's moral purpose. Having intrinsic moral purpose is something that is intentionally pursued. In chapter four participants described being part of a bigger purpose and having the opportunity to make a small contribution towards making a difference. There was a sense that this purpose was greater than individual ambition. Participants related that they found an intrinsic moral purpose in their work with children. There was something about children that implores people's sense of morality. Participants described the best interests of the child as a universal and moral unifying purpose that resonated with all people in spite of political ideologies. To participants, being an internally motivated moral agent also meant that they had a moral obligation to prioritize enhancing the best interests of children above other issues when making decisions. Accordingly, having a sense of internal moral purpose made it easier to prioritize decisions and act as a moral agent.

Participants who were parents or grandparents saw themselves as intrinsic moral agents, based on their personal experiences. They often began their response to this question with "well I am a parent" or "I just had my first grandchild" and went on to relate the BIC to their own personal experiences with their children. When participants viewed themselves as having an intrinsic moral purpose because of personal experiences, the BIC conjured up personal memories and emotions that caused them to act as moral agents. There was an urgency and burden in the work human service executives did to create a better situation for future generations. Participants who were parents or grandparents related personally to the research, writing, and practice they did professionally. The role of moral agent carried over into their relationships with their own children or grandchild or other young people in their lives. Participant who expressed an internal moral purpose were able to relate having this purpose because of an

ideological standpoint or because of a personal experience. Participants viewed their role as moral agent as protectors, as agents ensuring a better future, and as advocates on behalf of children. Participants used their role to bring issues related to children into the forefront.

Extrinsic moral purpose and agency. Secondly, there were those who explained their work on behalf of children from the perspective of having an extrinsic moral purpose. Having an extrinsic moral purpose meant that their purpose was related to their job description or work context and was expected from them by someone else. Participants commonly referred to policies, programs, and laws that governed their behaviour as moral agents. However, their reasons for acting as agents were not internally motivated. For example, within the education sector, James acknowledged responding morally when his work duties involved school closure in a small community. School closure was part of his job requirements and through the process he became a moral agent while deliberating the challenges of closing a school. James went on to describe how these were emotional experiences and how it was imperative to both establish emotional supports and to meet the needs to the community.

Having an extrinsic moral purpose was not always in reaction to a situation but often the job itself necessitated agents act morally or appeal to others' sense of morality to accomplish their job. Reflecting on moral agency some participants considered their work as a moral endeavour where they had to appeal to other's sense of morality by creating awareness or making policies to enforce a moral purpose. Although a moral purpose may not have existed prior to obtaining the positions held at the time of the interview participants worked in, their positions they were in at the time of the interview necessitated they become moral agents. In chapter four participants described an obligation to respond and act on the issues related to children either through policy or law creation and implementation. Moral agency was

manifested as acting in ways to create awareness and protect children and enforce rules, policies, and legislations.

Moral purpose in tension. Finally, some participants found themselves holding moral purpose in tension. These participants claimed to exist in a state of tension, having a sense of moral purpose but not knowing how to reconcile this purpose with their formal position and responsibilities. These participants considered their work on behalf of children to be a moral endeavour; reiterating that “children are our future,” that they should be the most important consideration and that how we raise and empower our children is part of how we create the right environment for them to be protected and nurtured. These same participants also described an internal struggle to reconcile this moral purpose with their assigned work duties. During the interviews, participants with a moral purpose in tension noted feeling constrained by their roles to act as moral agents. This tension was defined in literature as the paradox of obligation which suggested that if public servants were free to choose actions while simultaneously being obligated to act according to predetermined policies then if they exercised their free choice as agents, they violated the demands of their governing authorities (Denhardt & Denhardt, 2011). Participants reported that the moral side was rarely discussed in Government. These participants recognized their work was morally based and reported that moral consideration was present during policy creation but struggled with how to incorporate that role within the policies and legislative boundaries of their positions.

Synthesizing Moral Purpose and Agency. All participants were able to identify with having a moral purpose, but expressed having different motivations for this purpose. Participants who expressed an intrinsic moral purpose reported that their moral purpose was what motivated them in all areas of their life; their purpose had dictated the career they pursued,

as this role would allow them to further their purpose. They viewed their role as a moral agent, protecting, advocating, and making decisions in the best interests of children. Participants who expressed a sense of external moral purpose reported feeling as if their work necessitated that they act as moral agents. They acted as moral agents because their role necessitated they act morally. Finally, there were participants who reported that they had a moral purpose but were not sure how to integrate this purpose with how policies and legislation mandated they act. The next section explores how human services enact their agency through decision making.

Human Service Executives and Decision Making. Research on human decision making has primarily been centered on single trial decisions made in fixed environments (Bandura & Wood, 1989). These types of studies do not provide the rich descriptions needed to create helpful models of decision making in “dynamic naturalistic environments that entail learning and motivational mechanisms” (Bandura & Wood, 1989, p. 805). When making actual decisions in real world environments, decision makers must weigh and incorporate a wide range of information coming from multiple sources (Eckelarr, 1994; Hunter, 1990; Kidder, 2003; Williams, & Murphy, 1990). Time restrictions and competing needs and activities dictate most decisions being made. The decision making process is learned through exploratory experiences over the course of time managing multiple ongoing activities. As Bandura and Wood (1989) noted, “It requires a reliable knowledge base and efficacious use of cognitive skills to ferret out relevant information, construct options, and test and revise one’s knowledge on the basis of results of decisional actions” (p. 805). In this study, there were several methods human service executives used to make decisions with respect to the BIC. This section explores the fourth research question: What is the range of descriptions that human service executives provide with respect to how decisions about the best interests of the child are *currently made* and might be

better or best made in Saskatchewan? Four findings emerged that related to making decisions about the BIC principle: child-centered conversations, evidence-based decision making, adhering to models and policy, and incorporating children's voices.

Child-centered conversations. Child-centered conversations were one way that human service executives described making decisions about the best interests of the child. Child-centered conversations refocused conversations on child issues and provided accountability for decision makers. Child-centered conversations also ensured that equity was being discussed and considered in the distribution of resources and accessibility to programs. Similarly, to refocusing a conversation, having child-centered conversations and using the BIC as a filter helped ensure decisions and policies being made were in the best interests of the child. Using the BIC as a filter forces conversation to intentionally focus on what the best interests of the child looked like in a certain policy. Child-centered conversations refocused conversations and acted as an accountability measure to ensure the BIC remained the main focus in decision making processes.

Protecting children and promoting the best interests of the child was a purpose that human service executives described resonated with humankind. Innately, people recognize that children are vulnerable and require special considerations. In chapter four, participants described the best interests of the child as a universal principle that resonated and united people with different ideologies. Protecting children and promoting the best interests of the child resonated as an ideal that could supersede other discussions. The paramount importance of protecting children has been recognized globally. The *UNCRC* has been ratified by 193 member states and is the only human rights international agreement ever ratified as a Convention (Coward & Cook, 1996), indicating how much the BIC resonates with humankind. A finding in chapter four was that the best interests of the child was a unifying statement and those who were making the

biggest difference in this area have adopted the best interests of the child as a moral imperative or they feel that they simply have to do something to make a difference for children. Having child-centered conversations enabled human service executives to make decisions that reflected the BIC principle.

Evidence-based decision making. A second way human service executives deliberated the best interests of the child was by using evidence-based decision making. Participants described that decisions made on behalf of children required more than a moral foundation, but also needed to be steeped in rich data and research. Data were seen as coming in many shapes including: numbers, stories, and video, but in whatever shape it needs to be accessible and understandable. It was understood that future decisions would be made based on data. Policy-based evidence-making must be avoided and evidence-based policy-making must be employed.

Decision making was seen as taking the core place within human service executive's tasks, but often human service executives had to make decisions under pressure and with minimal information. This was similar to the findings of Pfeffer and Sutton (2006) who described some decision-makers as justifying choices by relying on outdated information, personal experience, individual observation, or gut feelings while others are confronted with an overload of information that is irrelevant or difficult to navigate within a specific context. In my study, human service executives described that reliable evidence was difficult to obtain and obtaining more evidence and assessing currently practices was seen as an important current and future step to enhance the decision making process.

Adhering to models and policy. The most common way human service executives made decisions was by following models and policies that had been set out for them. In most cases, participants referred to specific acts, policies, models, or frameworks that are used within their

specific sector for making decisions. Case law, relevant legislation, research and statistics helped inform human service executives on how decisions can be made in the best interests of the child. Specific legislation referred to during the interviews is examined later for commonalities and references to the BIC principle. Having models or policies that helped streamline decision making processes relieved the pressure from agents to become responsible for all facets of the decision making process.

Incorporating children's voices. The last perspective shared by human service executives regarding decisions making in the best interests of the child was the inclusion of the child's voice. Recognizing children's rights could be interpreted as acting in the child's best interests by giving him/her sole responsibility for making decisions or overestimating the desired level of autonomy (Britto et al., 2007). Coyne and Harder (2011) explained that since children are not a homogenous group is cannot be assumed that all children desire responsibility for decision making. Faced with information and options, children may not have yet developed the necessary competencies required to make decisions. Coyne and Harder (2011) described that "placing pressure on children to participate could be harmful in that children could be placed in situations without safeguards or support" (p. 315). Sharing decision making with supports promotes respect and encourages the development of children's competencies (McCabe, 1996). Children need opportunities to participate in decision making processes in a variety of contexts over the course of their childhood to promote self-determination. Participation in decision making needs to be balanced with protecting children's safety (Coyne & Harder, 2011).

Synthesizing decision making. There were several methods human service executives used to make decisions about the BIC ranging from child-centered conversations, evidence-based decision making, adhering to models and policy, and incorporating children's voices. In some

situations, decision making processes were predetermined by policy and legislation and at other times decision making involved including children's voice and child-centered deliberations. There were rarely systematic processes that were predefined for human service executives to follow, much of the time they were creating their own path and using their own judgment. In chapter four, participants noted that making decisions in the best interests of the child is hard and emotionally taxing work. There was recognition and heightened responsibility to make prudent decisions on behalf of society's most vulnerable people and that responsibility weighed heavy on human service executives. Collaboration and building relationships with other sectors and agencies was described in chapter four as a method to make more informed decisions and include others in the process. Decision making processes relied on using best judgments to make wise decisions. These four measures enhanced how decisions were currently made or could better be made on behalf of children.

Neil Postman (1982, p. xi) wrote that "children are a living message that we send to a time we will not see." Human service executives described many initiatives and were passionate about their roles and the impact they were having in Saskatchewan. These individuals knew their work was making a difference for children and was creating a better and preferred future for the next generation. Participants also took their role seriously and described weightiness of their roles and recognized that having the ability to support particular directions, and not others, was a heavy thing to bear. Participants reported being in situations where competing moral purposes and decisions existed between two goods. One participant described how with every decisions they recognized that their decisions was creating the future for the next generation and portrayed an image they saw when describing decisions making processes and incorporating multiple perspectives and available information and policies. In this image, fabric was being woven as

each decision was made. Each decision was like the weave of a trampoline, in which children could bounce their way to success, which is why having good information and good analytics is important. The findings suggested human service executives felt a moral obligation to first explore what the BIC means personally and then try and be part of conversations that listen to various perspectives, recognize universal truths about how children develop, find good research, and intentionally engage in conversations in domains that are not familiar, all the while being reflective.

Discussion of Moral Purpose, Moral Agency, and Moral Efficacy in Relation to the BIC

Kidder (2003) described moral agency as “a commitment to moral principles, an awareness of the danger involved in supporting those principles, and a willing endurance of that danger” (p. 7). Bandura (2006) stated, “the belief in one’s efficacy is a key personal resource in self-development, successful adaptation, and change” (p. 4). Human service executives are expected to be moral agents, because they are acting in the best interests of the child and are expected to maintain a high standard of morals in their actions. Self-efficacy affects cognitive, motivational, affective, and decision processes. Individuals with efficacy maintain that through perseverance and personal development and creativity, challenging circumstances are resolvable, whereas, individuals with low self-efficacy give up quickly and are easily discouraged (Goddard, Hoy, & Hoy, 2004; Kidder, 2003).

Human service executives revealed four factors that enhanced their ability to make decisions as moral agents: child-centered conversations, evidence-based data, adhering to models and policy, and incorporating children’s voices. Focusing conversations on children was one way human service executives were able to ensure they were acting with the best interest of the child in mind. Using evidence-based data allowed human service providers to make wise

decisions on behalf of children, which enhanced their sense of efficacy and confidence in the decisions they were tasked with making. Human service executives were responsible for creating, amending, and implementing policy. I would propose that when policy was created to enhance the best interests of children, human service executives relied on it to make decisions and to act as moral agents. Finally, bringing children's voices to the table and incorporating the perspective of children in decision making enhanced the ability for human service executives to act as moral agents. Human service executives described having autonomy to act, but were held accountable to their decisions by the public and took that responsibility seriously. Having child-centered conversations, using evidence-based data, adhering to models and policy, and incorporating children's voices enhanced the level of confidence with which human service executives made decisions.

Human service executives expressed that there were several challenges in the decision making process. I believe challenges could threaten the feeling of moral-efficacy and hinder human service executive's ability to act as moral agents if not addressed. Challenges expressed through the interviews were: lack of public awareness and will, lack of data, limited budget and resources, and competing interests. Lack of public awareness and will meant that human service executives had the burden of proving their decision was in the best interests of the child and that the BIC itself was an important agenda. In many instances human service executives expressed there was a lack of buy-in and support for initiatives at the public and government level. Lack of data and limited budget and resources both limited human service executives' ability to make decisions in the best interests of the child. Finally, competing interests meant conflicting agendas existed and conflicted with maintaining the BIC as "the" (and/or "a") primary consideration. Conflict can deter a moral agent from acting if their sense of moral efficacy has

been compromised. These are the main challenges human service executives noted when describing the reality of their roles as moral agents.

In chapter two a conceptual framework was described to anticipate how human service executives make decisions in the best interests of the child. In that framework it was supposed that human service executives required three integral components to make decisions: moral purpose, moral agency, and moral efficacy. I have taken the findings from chapter 4 and have integrated these findings with the conceptual framework. In this study, the findings revealed that moral purpose could be internal, external, or in tension. The moral agent acts on behalf of the principal, in this case the human service executive acts on behalf of the child with the moral purpose of enhancing her or his best interests. Agency could be enhanced by having child-centered conversations, using evidence-based data, adhering to models and policy, and incorporating children's voices and could be limited by lack of public awareness, lack of data, limited budget and resources, and competing interests. Moral efficacy, the ability to act courageously and morally in the best interests of the child was the third component in the decision making process. Moral efficacy was enhanced when the decision making process is successful and moral agents perceive their efforts were impactful. In the case of this study, a finding was that human service executives described the Childscape of Saskatchewan as hopeful. Hope was a contributing factor that enhanced moral efficacy, enforcing the ability to act courageously as a moral agent. In the next section, public extant legislative documents discussed in interviews are examined for commonalities with the findings.

Influences on Conception and Operationalization

As articulated in Article 3, the *UNCRC* BIC principle provides direction on various aspects of government in "all actions concerning children." However, this convention is not

model law, it is an international convention that requires member states to implement the provision of the convention by translating this concept into various pieces of domestic law and policy. Translation is done through context specific articulation of the principle in, *inter alia*, legislation, policy framework, guidelines, directives or procedures.

During the interviews, it was identified that all human service executives work with and within particular domestic legislative, policy, directives or frameworks that are sector specific and that these sources of law and policy provide direction and that these had shaped their conception of the BIC principle. Some of the substantive content set out in *The Child and Family Services Act (1990)*, *The Education Act (1995)*, *The Child and Youth First Principles (2009) framework*, *the Youth Criminal Justice Act (2002)*, and *The Advocate for Children and Youth Act (2012)* are reviewed below to determine common definitions or principles or constraints that exist within these sector-specific frameworks/directives. Examples of common definitions and principles and constraints found in these contextual instruments are presented below with attention to commonalities that emerged from interviews with the human service executives.

A major difference in definition appearing in the documents was the age of the principal or child. *The Education Act (1995)* defined the principal as “every person who has attained the age of six years but has not yet attained the age of 22 years” (s 142(1)). *The Youth Criminal Justice Act (2002)* defined a child as “a person who is or, in the absence of evidence to the contrary, appears to be less than twelve years old” and a young person as:

a person who is or, in the absence of evidence to the contrary, appears to be twelve years old or older, but less than eighteen years old and, if the context requires, includes any person who is charged under this Act with having committed an offence while he or she was a young person or who is found guilty of an offence under this Act.

The Children and Youth First Principles (2009) recognized that “children and youth are anyone under 18 years of age” (p. 1). *The Advocate for Children and Youth Act (2012)* specified in article 2(d) that a child is:

a person under 18 years of age and includes a person 18 years of age or older who is receiving services pursuant to the Youth Criminal Justice Act (Canada), The Youth Justice Administration Act or section 56 of The Child and Family Services Act.

Whereas article 2(h) specified a youth is:

a person who is at least 12 years of age but under 18 years of age and includes a person 18 years of age or older who is receiving services pursuant to the Youth Criminal Justice Act (Canada), The Youth Justice Administration Act or section 56 of The Child and Family Services Act.

The Child and Family Services Act (1990) defined a child as “an unmarried person actually or apparently under 16 years of age” (s 2(d)). The age at which a child is within the care of different human service executives may explain certain discrepancies between understandings of the BIC principle across sectors. Those human service executives working in education would see the child as someone in their care from ages six to 22, whereas those working in social services have children in their purview of care from birth which might lead to a greater level of investment since this is when children are perceived to be most vulnerable. In some situations, the small variations in the ages of defining a child and a youth could lead to difficulty in accessing services needed and in sharing information across sectors.

Secondly, I examined the legislation for references to the *United Nations Convention on the Rights of the Child* as well as for references to rights and freedoms. *The Youth Criminal Justice Act (2002)* referred to the *UNCRC* in the preamble, recognizing that Canada is a party to the Convention and that young people have rights and freedoms guaranteed to them. *The Advocate for Children and Youth Act (2012)* specified that the Advocate may “conduct or contract for research to improve the rights, interests and well-being of children or youths” (s

3(a)). The Advocate's primary responsibility is to advocate for the rights and freedoms of children and youths. *The Child and Youth First Principles (2009)* are founded on the *UNCRC* with the purpose of taking the 54 articles and simplifying them into the eight Saskatchewan Children and Youth First Principles which are meant to assist communities and the Government of Saskatchewan better understand and implement the *UNCRC*. *The Education Act* and *The Child and Family Services Act* do not mention rights, freedoms, or the *UNCRC*. If Canada is striving to implement the BIC principle, key pieces of legislation should include reference to the *UNCRC* document or at least discuss some of the key aspects contained within that document.

A finding from this study was that child involvement or voice was important to the realization of the BIC principle. Some legislation spoke to child involvement specifically, while others, such as the *Education Act (1995)*, did not mention child voice, participation, or involvement. *The Child and Family Services Act (2009)* noted in article 29(1) that a child may be heard at a protection hearing if it is in the best interest of the child. *The Child and Youth First Principles (2009)* stated "all children and youth in Saskatchewan are entitled to participate and be heard before any decision affecting them is made." *The Youth Criminal Justice Act (2002)* declared in various parts of the Act including article 3. (d) (i) "young persons have rights and freedoms in their own right, such as the right to be heard in the course of and to participate in the processes, other than the decision to prosecute, that lead to decisions that affect them, and young persons have special guarantees of their rights and freedoms." *The Advocate for Children and Youth Act (2012)* is a specific Act in terms of the duties and process of the Advocate. The Act has an article dedicated to communication by child or youth and notice of child's or youth's right to communicate which clearly articulated the importance of a child or youth's voice and involvement. One might assume that since the children's voice or right to participate is

mentioned in many pieces of legislation it must be important to the realization of the BIC principle and this is why the sub-category of children's voice and involvement emerged in the research.

The sector specific legislation legitimizes some of the sector-specific trends. For instance, the legislation found in *The Child and Family Services Act (1990)* is prescriptive in terms of the directives for human service providers working on behalf of children. Most of the Act is committed to providing specific directives for specific situations regarding children. The Act takes into account that older children should have the right to be involved in decisions involving them. The best interest of the child is cited as the standard for decision-making and is cited throughout the Act in most situations involving decisions related to children. The level of detail related to processes could explain how individuals interviewed from this sector seemed to have a framework from which they worked and were able to articulate what was in the best interest of the child in different situations.

Newer legislation in Saskatchewan related specifically to children may also explain why human service executives were focused on children and having child-centered conversations. Over the past five years, new legislation and initiatives which focus on children have emerged in Saskatchewan. *The Child and Youth First Principles (2009)* and *The Advocate for Children and Youth Act (2012)* were two of the most recent pieces of legislation that focus specifically on children and ensure the best interests of the child are prioritized. The Saskatchewan government created the first ever Children and Youth Agenda budget in 2011-12, which invested more than \$34 million across ministries, ensuring that children were prioritized and supported monetarily. The Counsel for Children program was launched through the Ministry of Justice which "supports the rights of children defined by the *United Nations Convention on the Rights of the Child*"

(Busse, 2014, p.1). Legislation, programs, and budgets directed at ensuring the enhancement of children's rights and interests could explain why human service executives articulated that child-centered conversations were a means by which decisions were made in the best interest of the child. These child-specific initiatives also indicated that the government of Saskatchewan is invested in prioritizing the needs and best interests of children.

One of the findings from this study was that participants from the justice and social services sectors were more aware of the UNCRC and were implementing more aspects of the UNCRC in policy and programs than those in health and education. A reason for the differences in knowledge on this convention could be attributed partially to the division of power federally and provincially. Education, health, and social service sectors are exclusively provincial jurisdictions in Canada. Since the UNCRC was ratified at a federal level, provincial human service executives may not be as well versed in the specifics of the UNCRC or recent recommendations. Within the judicial sector shared jurisdictions exist, which may explain why those human service executives working in the judicial sector were more aware of international treaties and obligations. Although the social services sector falls under provincial jurisdiction, those human service executive participants from this sector were aware of the UNCRC and the rights of children and recommendations for Canada. I am going to propose that some of this knowledge may have resulted from having a Saskatchewan Advocate for Children and Youth who had worked to raise awareness of the rights of children and who worked most closely with the social services sector. The division of provincial and federal power has been a concern of the UN Committee regarding raising awareness of the UNCRC and assessing progress within Canada. This separation may explain why some participants were not as familiar with the Convention as others.

Human service executives revealed four factors that enhanced their ability to act successfully as moral agents on behalf of children: child-centered conversations, evidence-based data, adhering to models and policy, and incorporating children's voices. Through a brief examination of select examples from legislation and policy it seemed that the ability to act successfully was enhanced by legislation and policy frameworks. Specifically, recent legislations, budgets, and programs are specifically aimed at enhancing the best interest of the child in Saskatchewan and are more specific in the manner in which that could be accomplished. As was also noted by participants, many of these mandates are not translated to the general public and even across the ministries, which is something that needs to be examined in the future.

Revisiting the Conceptual Framework

The components of the chapter two conceptual framework were useful to elaborate on this study's findings. The original conceptual framework, built on the theory of others, guided my research and included the components of moral purpose, moral agency, moral efficacy, and decision making. In chapter four, I utilized a General Inductive Qualitative Method approach to break down the data from interviews into distinct categories with sub-categories to represent participant's insights. In what follows, I present the summary of findings provided through the six research questions and how they add to existing theory. The categories and concepts that emerged were confirmed from multiple data sources and tested across multiple observations in interviews and developed to produce the concepts and insights listed below.

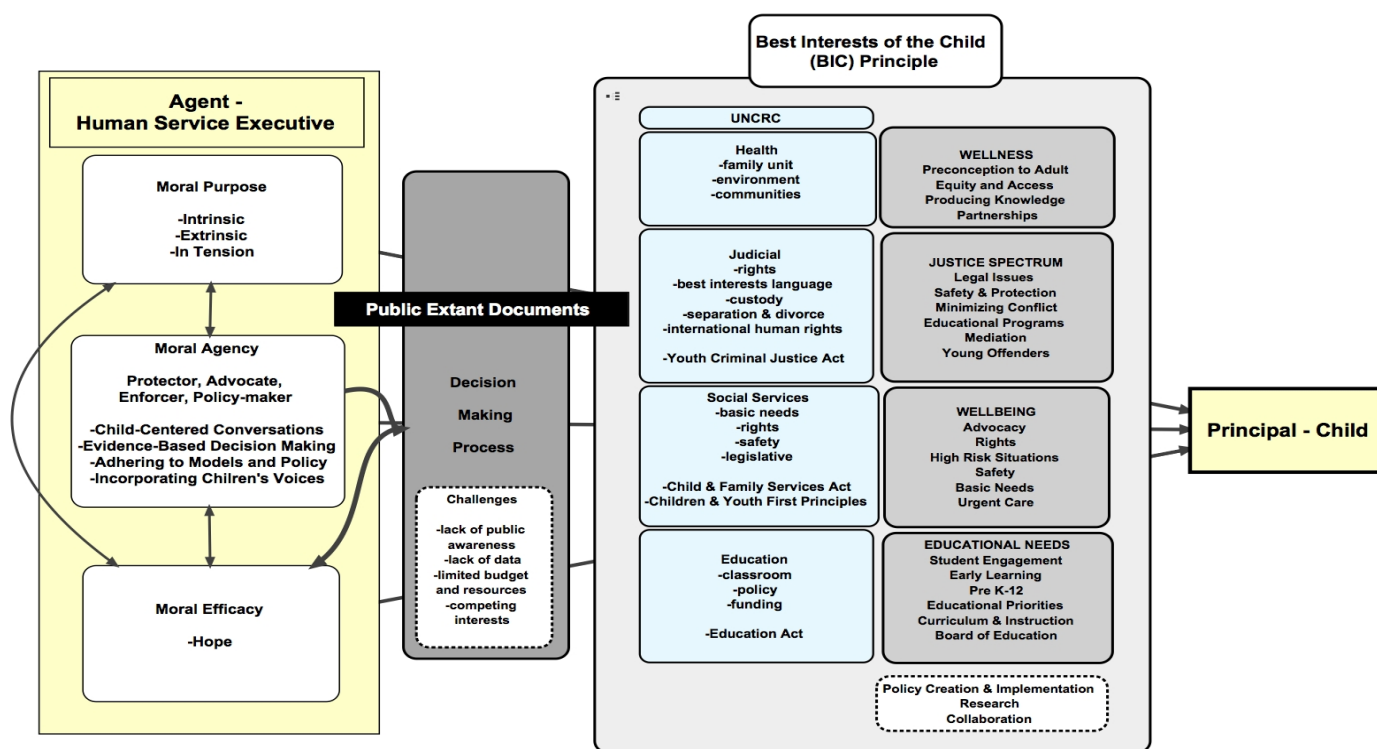


Figure 5.2: Reconceptualizing moral purpose, moral agency, moral efficacy and deliberating on the best interests of the child

Applications of the BIC Principle

The revisited conceptual framework attempts to portray the relationship between the agent and principal. In the case of this study the agent was the human service executive tasked with acting on behalf of the principal, the child. Figure 5.2 portrays the decision making process of a human service executive making decisions on behalf of a child in Saskatchewan. Within the agent there exist three components – moral purpose, moral agency, and moral efficacy. These three components inform each other throughout the decision making process. First, the three types of moral purpose were described earlier and are intrinsic, extrinsic, and in tension. An

agent's purpose compels the agent to act or use their agency. Secondly, moral agency involves action and making decisions on behalf of that purpose. The third research question asked human service executives to describe how they viewed themselves as moral agents through the range of ideations, deliberations and determinations of BIC in the Province and within the sphere of their roles? A brief description of various titles that emerged are written on Figure 5.2 below the title of moral agency. Human service executives described themselves as protectors, as agents ensuring a better future, and as advocates on behalf of children. Participants used their role to bring issues related to children into the forefront. Participants reported acting to create awareness and protect children and enforce rules, policies, and legislations related to children. The fourth research question asked for a description of how human service executives made decisions about the best interests of the child. In regards to how decisions are made and could be better made, there were four sub-categories that emerged: child-centered conversations, evidence-based decision making, adhering to models and policy, and incorporating children's voices. These sub-categories fall under moral agency in Figure 5.2 because they are ways human service executives exercise their agency to make decisions on behalf of children. Human service executives are making decisions on behalf of children and exercising their agency. Thirdly, an arrow goes from agency to decision making and returns to moral efficacy. Moral efficacy is the belief that a moral agent can influence moral change and achieve results if they take action. As human service executives reported, they feel hopeful about the future situation of children in Saskatchewan and that they are finding better ways to make decisions to improve the situation for children. Having hope and a sense of ability to make a difference on behalf of children enhances and reinforces the purpose to continue to act in the best interests of children.

The next box is the decisions making process. Within the moral agency box are several tools human service executives use to make decisions on behalf of children. Within the decision making box are some of the challenges and obstacles that human service executives, and their staff, face when making decisions throughout the range of specific contexts and contestations that call for the application and adjudication of BIC. Challenges reported during the interview processes were: lack of public awareness, lack of data, limited budget and resources, and competing interests. These challenges interfere with the decision making processes.

The next box is the BIC principle, which is a filter through which human service executive make their decisions. In the original conceptual framework, the BIC principle was represented by the UNCRC and Canadian conceptions of the BIC since specific conceptions within Saskatchewan had not been collected. Through this study, data collected provided a description of the conceptions that human service executives have of the BIC in Saskatchewan. Most human service executives were not aware of the specific details of the UNCRC and the recommendations to Canada. As a result, a variety of other conceptions emerged which were sorted by sectors. In Figure 5.2 the light blue boxes are separated by sector and provide some of the key ways in which human service executives intersected with the BIC principle in Saskatchewan. In the health care sector, the BIC was primarily defined within the scope of the family and the child's immediate environment and focused on providing equal opportunities for wellness. The judicial sector had a broad range of conceptions from ensuring the most basic of rights were met to looking at the child on an individual basis to determine what might be that individual's best interests. The social service sector defined the BIC by meeting the basic needs and providing for the wellbeing of the child and ensuring they were safe. Education defined the BIC as ensuring educational opportunities were available to all students and having students

engaged in learning. Throughout the range of conceptions the Childscape of Saskatchewan emerged as a hopeful and child-centered Province focused on ensuring the most vulnerable of the population are cared for and that the future is better than the current reality. The second research question asked human service executives to describe their role and the scope of their influence with respect to the determination of the best interests of children in policy, administrative function, and in specific cases. Significant sector descriptions of influence are demonstrated in Figure 5.2 next to the blue boxes in the grey boxes. The descriptions of the scope of influence helped create pieces of the puzzle that were titled the Childscape of Saskatchewan. Each sector had a filter of conceptions and expectations through which they filtered their decisions and experiences with children.

Human service executives also described different legislation and policy that helped them in their decision making processes. These public extant documents were reviewed earlier and in the Figure 5.2 extend across the agent, decisions making, and the best interest of the child because these documents play a role in defining the role of an agent, in prescribing processes in varying situations, and in describing the best interests of the child and acting as a filter for making decisions. The findings collected from this study enhanced and informed details of the chapter two framework and provided concrete descriptions of how human service executives act on behalf of children in Saskatchewan.

Implications for Policy, Practice, and Theory

A review of the literature in chapter two revealed that although Canada was a signatory of the *UNCRC*, the country was not meeting the BIC standard and was failing to implement previous recommendations from the UN Committee. Chapter two also examined the concepts of moral purpose, agency, and efficacy and how all are required to inform each other to make wise

decisions on behalf of the child's best interests. Exploration of human service executives' perceptions and experiences in this study revealed the creation of policy, programs, and practice related to the best interests of the child should be considered. Human service executives provided four implications to enhance the BIC in Saskatchewan: (a) intentional planning, (b) collaboration, (c) incorporating children's voice, and (d) decision making for the best interests of the child.

Intentional Planning

The first implication, in the area of policy and practice, is for intentional planning related to the BIC. A substantial number of responses focused on intentional planning and the need to have an evidence-based and goal-driven plans. Intentional planning requires taking a realistic snapshot of the current conditions for children in Saskatchewan. A research agenda is needed to uncover current realities related to children and to determine different settings and ways of solving the problems and issues facing children (Patel & Hochfeld, 2012). Once an accurate representation has been developed, stakeholders must look at the evidence and then make realistic and measurable goals for the future while creating policies, programs, and providing resources to ensure those goals are attained. The Canadian Coalition for the Rights of Children (2012c) also recommended intentional planning on their list of 10 recommendations through accurate data and analysis of the situation of children.

Human service executives were articulate about their desire for future strategies and goals. There was a sense that the work should be intentional with a detailed framework so that effectiveness can be measured. As mentioned in chapter four, the majority of people want to do what is best for children and would agree to focus resources and policy and programs to get the best return for children. Patel and Hochfeld (2012) discovered that "there remains a significant

gap between the policy intentions and actual implementation ... a lack of conceptual clarity about the approach and no agreed indicators to monitor and evaluate policy implementation are critical barriers to progress (p. 693). Many human service executives explained the desire to have a strategy in place for implementation and evaluation. I believe if the Government provided plan with a clear strategy this would help to clarify and enhance the BIC in Saskatchewan.

In chapter two, three countries that had successfully placed the best interests of the child at the forefront of all national decisions were highlighted. The similarity between all three of these countries was that they had intentionally planned and created structures to ensure the best interests of the child was the paramount consideration in all national decisions. When it comes to successful policy implementation, Patel and Hochfeld (2012) discovered that “learning from practice by documenting local innovation are other ways of strengthening the approach” (p. 700). Human service executives could glean powerful lessons from these countries’ intentional initiatives that are outlined in the following paragraphs.

Wales has been intentionally implementing the best interests of the child and integrating children’s rights into legislations for the past 13 years. Nationally, the most recent legislation passed brings in the *Children’s Scheme* that set out the arrangements Welsh Ministers must have in place to comply with the *UNCRC*. This legislation imposes an obligation for the Ministers to consult with external stakeholders including the Children’s Commissioner for Wales, the voluntary sector and children and young people themselves in the development of the *Children’s Scheme* (Welsh Government, 2012). This piece of legislation will make sure that the *UNCRC* will be considered in every decision made and shows a commitment to educate, train, and learn to include and respect children and their rights. The Welsh Government started these initiatives by identifying the recommendations and recognizing that the cooperation between all agencies

through partnerships was necessary to promote the BIC principle in their country. They were committed to spreading their belief that the BIC was important through policy and service delivery at the national and local level. Thirteen years later the BIC principle has permeated up through all levels of Government in Wales and is a key consideration in every decision made.

The Scottish Government publishes, reviews, and disseminates in a child language friendly manner the recommendations of the UN Committee Review and publically announces their commitment to continue to advance the rights of children while monitoring progress. Scotland also has a Commissioner for Children and Young People whose job is to make sure all children and young people in Scotland have their rights respected (Scotland's Commissioner for Children & Young People, 2008). Recently, more than 74,000 children and young people in Scotland were able to cast votes to choose the top issue they want policy makers and the Children's Commissioner to take action on (Scotland's Commissioner for Children & Young People, 2008). The Commissioner's website is child friendly and by including children's voices in decision making they take ownership over their rights.

Australia was intentional in keeping the best interests of the child a paramount consideration by appointing a Commissioner for Children and Young People (Commissioner for Children and Young People, 2012). Children and young people were involved in interviewing and selecting their commissioner. The Commissioner is tasked with improving the "wellbeing of children and young people by working with them, their families, community and Government in Western Australia" (Commissioner for Children and Young People, 2010, p. 2). Promoting child participation, influencing policy, services, attitudes, and outcomes are some of the key goals of the Commissioner (Commissioner for Children and Young People, 2010). The Commission is

accountable for setting goals based on past Committee recommendations and developing strategies to meet and assess if goals are being attained.

Above, three countries were examined that took on the task of making the best interests of the child their paramount consideration by incorporating this principle across policy and intentionally putting that policy into practice. Thomas (2011) discussed the importance of incorporating children's rights in policy, but also applying children's rights principles in planning and implementing initiatives and programs. Thomas (2011) shared the approach known as *children's rights programming* (CRP). This approach intentionally incorporated children's rights through several mechanisms including:

- integrating the normative framework of the *UNCRC*
- employing the general principles of the *UNCRC* as a filter mechanism
- engaging with human service providers who are identified, supported, and held accountable
- using evidence-based advocacy to increase the impact on children
- operating at all levels of society and government and creating links between levels
- employing participatory, analytical, and empowering processes, seeking a measurable impact on children
- taking a long-term approach while addressing immediate needs,
- considering a variety of partnerships
- ensuring children are recognized as whole people and encouraging and empowering their perspectives and voices

Thomas (2011) shared steps to implement children's rights within a society which included: pressuring decision-makers to make changes, mobilizing the general public to demand policies

and resources, utilizing mass media to raise awareness, establishing and monitoring standards, auditing government services, and monitoring and reporting on human rights violations, and educating the public and decision-makers about human rights. This rights-based approach promotes the view that children have rights and are able to make valuable contributions but their rights need to be incorporated across all levels of society.

The findings indicated that human service executives have limited knowledge of the specifics of the *UNCRC* and the most recent recommendations to Canada. In practice, a program could be developed for those who work in Government and for those human service executives who act on behalf of children to provide opportunities to educate and create awareness of the *UNCRC* and its most recent and ongoing recommendations for Canada. It is unreasonable to expect the BIC principle to be integrated into policy and programs if those creating the policies and programs are unaware of the legislation and recommendations related to the BIC principle. Once human service executives have been educated on the *UNCRC* and up-to-date UN Committee recommendations, they will be able to play roles in collecting evidence and creating the next report that is submitted to the UN Committee.

Human service executives in Saskatchewan identified that a next step for Saskatchewan was to have intentional plans and targeted strategies. I would suggest that it would enhance the BIC in Saskatchewan to intentionally plan and incorporate the BIC principle in policy, programs, and initiatives. Strategies for ensuring the BIC principle is held as “the” paramount consideration in decisions related to children could be gleaned from following the examples of other countries who have successfully managed to be intentional and incorporate the BIC nationally and locally. *Saskatchewan Plan for Growth: Vision 2020 and Beyond* is a document participants referenced as the provincial plan but there is no strategy for achieving the plan

included in the document. Thomas (2011) provided examples of how to implement children's rights within a society and how to incorporate policy into programs. A next step for Saskatchewan is to strategically and intentionally find ways to ensure the BIC principle is held as the paramount consideration in policy and service delivery at the provincial and local level.

Collaboration

The second implication for both policy and practice for enhancing the best interests of the child is collaboration and partnerships. The general consensus from participants was that interprofessional and intersectoral collaboration worked well in Saskatchewan. Collaboration was seen as working better at the local-municipal level than at the provincial level, but there was a transition occurring for collaboration on big issues and even across branches within Ministry. In many ways, Saskatchewan was perceived as leading the country on intersectoral collaboration, making a meaningful and intentional difference for the best interests of the child. Participants expressed their excitement at the prospect of future collaboration and others expressed positive past and current successes with collaboration.

Inter-professional collaboration is defined as “a style for direct interaction between at least two coequal partners voluntarily engaged in shared decision making as they work toward a common goal” (Friend & Cook, 2013, p. 5). Bruder (1998) envisioned collaboration as individuals with specialization such as education, social service, and health coming together when a sense of functionality is bestowed upon them. Snell and Janney (2005) elaborated by stating “working together means that positive interdependence exists among team members who agree to pool and partition their resources and rewards and to operate from a foundation of shared values” (p. 6). I believe best practices for collaboration at an executive level can be created to help human service executives navigate the processes, challenges, and strategies for

successful collaboration. I believe developing policies for facilitating the collaboration process effectively at an executive level, while recognizing the unique challenges faced at that level, would be beneficial to informing future endeavours in collaboration.

Interdisciplinary collaboration was seen as a next step for advancing the best interests of the child in Saskatchewan. At a panel presentation and open discussion at Ryerson University, designed to follow up the September 2012 review by the UN Committee on the Rights of the Child of Canada's implementation of the *Convention on the Rights of the Child* (Ryerson University, 2013) it was recommended that a level of consistency should be created between different sectors and a common understanding of the BIC definition be discussed and adopted. During the interviews, human service executives identified a past trend was to work in silos and within the scope of a specific sector. As mentioned above, there is a growing desire to have a strategy and collect data to regarding the state of children in Saskatchewan. Collaborating brings the differing views and highlights the work being done in the Province on behalf of children. Evelyn stated, "There are many pieces of a puzzle that make up the whole child. It is social. It is mental. It is their health. It is all those pieces and I think as a society, we have finally come to a place where we realize that we have all been working on those pieces but sometimes in isolated silos. When we do it together, we get a better scope of the work that needs to be done, the impact and also the collective successes." Guthrie and Guthrie (1991) indicated that new arrangements will have to be made to move emphasis away from each agency and towards the client: the child. These arrangements need to be child-centered, giving the child whole priority status. Hernandez (2013) identified factors that were important in the development of collaborative skills:

1. Perspectives, attitudes, and preparation;

2. Professional efficacy;
3. Interpersonal skill capacity; and
4. Contextual setting and organizational capacity.

These particular characteristics have been found to be essential for individuals to effectively collaborate.

Human service executives identified that there were challenges and obstacles to the collaboration process. Challenges and obstacles have been acknowledged in the literature and these challenges should be identified and addressed to allow for successful future collaboration. Friend (2000) noted it is not uncommon to hear about the difficulties of collaboration including the time and effort it takes to implement and maintaining collaboration. Hernandez (2013) suggested that, “collaboration is not about liking someone or being liked, it is about trust, respect, and outcomes (p. 494). In some situations, executives refuse to collaborate, preferring isolated service provisions (Troen & Boles, 2011). Another identified challenge is “team members typically lack the skills, tools, and support structures that would allow them to orchestrate significant pedagogical and curriculum changes through the collaborative work of the team” (Troen & Boles, 2011, p. 1). Other obstacles include funding, funding structures, time, power imbalances, and contextual setting (Hernandez, 2013). Again, these challenges will need to be addressed to create a culture of collaboration.

I believe human service executives will have to work together to provide a balanced, comprehensive, collaborative approach to the overall condition of the child. Guthrie and Guthrie (1991) noted that the BIC will have to be set as the primary goal beyond each individual organization’s needs, priorities, and goals. There are potential obstacles to deal with when

working in collaboration, but the benefits outweigh those challenges, especially when the best interests of the child are being enhanced.

Incorporating Children's Voices and Participation

The third implication is to incorporate children's voices and participation to enhance the best interests of the child in Saskatchewan. The majority of participants expressed anticipation for incorporating children's voices in decision making processes. Challenges and considerations were noted by a few participants, some of whom noted concerns related to inclusion of children in decision making. Incorporating children's voices into issues pertaining to them was one of the steps recommended at Ryerson's open nationwide panel discussion (Ryerson University, 2013). The Canadian Coalition for the Rights of Children (2012c) also recommended the view of the child be present in all decision in their list of 10 steps for Canada. Three participants talked about how they have engaged children's voices in various decision making processes and others described anticipation at being able to incorporate children's voices at various levels in processes pertaining to them.

Hart (1992) described that children's participation needs to be bound to a conceptual framework, but that *ladder* metaphors used are too simple for the process and the lower ladder rungs in those conceptual frameworks present nothing more than tokenism or manipulation. Two conceptual frameworks for children's participation are discussed, first is Nigel Thomas (2000) who suggested a climbing wall model and secondly Harry Shier's model which includes dimensions related to adults' responsibilities.

Nigel Thomas (2000) created a climbing wall metaphor for child participation in decision making processes. This model encompasses more than what the child says but includes how well the child understands issues, available options, as well as previous decisions that are related

to the current decision. The wall metaphor is used because the wall extends both laterally and vertically. The following are the aspects of participation that are of key importance: (a) the degree of choice exercised by the child in her or his participation; (b) the information the child has about the situation and her or his rights, (c) the control the child has over the decision making process; (d) the voice the child has in any decision; (e) the support the child has in speaking up; and (f) the degree of autonomy the child has in making decisions. These aspects for child participation need to be recognized by human service executives as they move forward to involve children in decision making processes.

Harry Shier (2001) described how a child's participation level of competency increases as she or he ascends steps. Shier also includes considerations, opportunities, and obligations for adults who are also participating in this process. In the process of incorporating children's voices, Shier recommended the following factors be taken into consideration: (a) children are listened to; (b) children are encouraged to express their views; (c) children's views are taken into account; (d) children are involved in decision making processes; and (e) children share power in and responsibility for decision making. Combining Thomas' wall metaphor and Shier's factors for consideration when incorporating children's participation could provide a starting place for human service executives to include children's voices and participation in decision making processes.

Challenges and obstacles do exist for implementing children's voice. Bae (2009) mentioned, "one pitfall might be putting too much emphasis on views of children as autonomous, competent and consistent beings, and underestimating dependent and vulnerable sides" (p. 295). Another ongoing obstacle is that it is dependent on the cooperation of adults. Lundy (2005) found adult concerns tended to fall into one of three groups: "scepticism [sic] about children's

capacity to have a meaningful input into decision making; a worry that giving children more control will undermine authority, ... and concern that compliance will require too much effort” (pp. 929-930). Clacherty & Donald (2007) described ethical challenges related to incorporating children’s voice: (a) the challenge of the adult-child power disparity; (b) the challenge of authenticity: penetrating beyond tokenism; (c) the challenge of consent, (d) the challenge of non-maleficence; (e) the challenge of beneficence; (f) the challenge of preserving anonymity. These challenges would need to be addressed and discussed so that children can have their voices heard in an authentic and meaningful fashion.

The *UNCRC* sets out every child’s right to express her or his views freely in matters affecting her or him (Article 12) and provides the child the opportunity to be heard in judicial and administrative proceedings concerning her or him. Despite this, in the previous recommendations from the UN Committee to Canada it was noted that Canada was not yet ensuring the best interests of the child and views of the child were being incorporated in all decisions. The recommendations from that report were to ensure the “views of the child be a requirement for all official decision making processes, including custody cases, child welfare decisions, criminal justice, immigration, and the environment” (Concluding Observations, paragraph 37). Many participants noted cases where children’s voices had been incorporated, many noted they would like to involve children more in decision making processes. This is an area for future research and incorporating some of the considerations from other models may help human service executives develop their own models to successfully involve children in processes related to them.

Decision Making for the Best Interests of the Child

The fourth implication for policy, practice, and theory is informed by the insights that emerged related to the decision making process at the executive level. Four findings emerged related to enhancing decision making: child-centered conversations, evidence-based decision making, adhering to models and policy, and incorporating children's voices, which adds to the research on decision making on behalf of children. Human service executives described that models and clear policy enabled them to make decisions related to the BIC. Creating policies and models that are child-centered and incorporate children's voices will simplify the decision making process in the future. Theory, policy, and practice will be better informed in Saskatchewan if reliable and valid data is collected and disseminated in a clear and useable fashion for human service executives. The four factors that enhance the BIC decision making process have practical implications for future policy creation, practice, and add to the literature.

As indicated previously, the descriptions in this section on implications for policy, practice, and theory along with the re-conceptualization and description of Figure 5.2 in the previous section constitute the new knowledge that has resulted from this study and describe how it relates to existing knowledge. The next section provides implications for further research to expand on the findings from this.

Implications for Further Research

The area of the best interests of the child principle has been investigated internationally and academically in a variety of contexts. This study brings to the forefront the significance of many questions already posed in published literature. For example, the lack of a clear conception and definition of the best interests of the child remains; further research needs to be

done in clarifying the definition and facets of the best interests of the child. Based on the findings combined with the literature I have listed suggestions for areas of further research.

First, research needs to be done with respect to how to create increased Government and public awareness of the *UNCRC*. The condition of lack of awareness of the specifics contents contained with the *UNCRC* and recent reports may exist because of the division of powers federally and provincially. Studies similar to this one could be replicated across Canada to provide a national Childscape. If Canada is going to meet the recommendations for the next UN report, all Provinces will need to take serious action to implement strategies to enhance the BIC. Federally, the Government will need to make a commitment to take the previous concluding observations from the UN Committee seriously and create a plan to ensure the best interests of the child is a paramount goal. Future research will need to monitor the goal setting process and the initiatives that are being taken to ensure Canada meets its obligations on behalf of children.

Secondly, research with human service executives needs to be further explored. During the course of conducting research with human service executives several challenges were faced that I had not experienced while conducting other research. Challenges faced were communicating via third parties, finding time with human service executives' busy schedule, response time to communication, and the in-depth process and time human service executives put into editing their final transcripts. The process of conducting research at this level and providing tips for others conducting this type of research would be beneficial to explore in the future.

A third area to conduct future research is on the concept of moral efficacy. As I was summing up this research I felt like the construct of efficacy was not dealt with as well as I would have liked. I was able to garner information on moral purpose, moral agency, and factors

that contributed and hindered decision making processes, but do not feel as though I got a sense of human service executive's perceptions of their personal efficacy. Lack of data on efficacy may have been because of how I formatted the interview questions. I do believe that further attention to efficacy with human service executives with the best interests of the child in mind would be a good area for further research.

A fourth area that research needs to be conducted on how to address the challenges human service executives experienced with decision making on behalf of children. The challenges described were: lack of public awareness, lack of data, limited budget and resources, and competing interests. Exploration into these challenges and researching how they have been overcome in other contexts could inform and enhance the practice of human service executives in Saskatchewan.

A fifth area for future research to be conducted is on collaboration at an executive level examining the processes, challenges, and strategies. Human service executives mentioned the desire to collaborate in their efforts on behalf of children. Research on facilitating the collaboration process effectively at an executive level, recognizing the unique challenges faced at that level, would be beneficial to informing future endeavours in collaboration.

Through this study an overview of the initiatives, policies, and practices on behalf of children in Saskatchewan were explored and described. Providing a description of the Childscape enabled human service executives to take stock of the situation in Saskatchewan and set tangible next steps to enhance the best interests of the children in Saskatchewan. Providing a description of the Childscape of Saskatchewan also helped identify gaps in services and where efforts are being duplicated. The description of the Childscape of Saskatchewan demonstrated that new legislation, policies, and programs are being implement on behalf of children, which

provided hope to those working on behalf of Saskatchewan. Further research could be conducted to examine which demographics are being missed by current initiatives and how to provide programs and resources in areas that are lacking.

Finally, examining different processes and policies related to incorporating children in the decision making process would be informative. Human service executives noted the value of including children's voices in the decision making process but others were wary that including children was manipulative and a form of tokenism. Research into appropriate child engagement in policy making settings would prove beneficial. Speaking directly with children and finding ways to involve children in policy and program decisions would be a step towards ensuring the best interests of the children was the primary consideration across all levels and sectors of society.

Researcher's Reflections

First, I wanted to reflect on the opportunity I had to conduct research at this level. I feel honoured and privileged to have been able to embark on this journey of shining light on the initiatives and highlighting the dedicated human service executives who play a pivotal role in ensuring the children's best interests are being enhanced in Saskatchewan. My sincerest intention is that through this study I was able to convey the energy and passion of my participants and accurately describe the hard work and intentional actions being taken to ensure an even better future for the next generation. I was impressed by the devotion, strategic thought, and time being focused on improving the situation for children where needed and the proactive programs and policies being created to ensure the best interests of children are kept at the forefront. I am humbled that these outstanding human service executives were willing to make time amidst their responsibilities to share their insights.

Secondly, I wanted to reflect on the enormity and complexity of undertaking this research which became progressively apparent over the course of this study. Below I briefly explain some of these complexities and the implications that this had on my study and for future studies. I attribute much of the complexity to an initial decision to explore six research questions which added to the enormity of the study. To start with, the BIC principle in itself was a complex construct with varying layers, conceptions, and applications. In Canada, the best interests of the child principle is confounded by jurisdictional complexity related to the division of powers at the international, federal, and provincial level. The human service executives I interviewed worked primarily at the provincial level and were working primarily within provincially controlled sectors which likely affected how much knowledge they had with the *UNCRC*. These were the complexities related to the BIC principle.

Beyond the BIC principle, I was also interested in the constructs of efficacy, purpose, and agency within the confines of morals. I discovered that each of these constructs on their own were broad and multi-faceted. Although I was able to get an enhanced articulation on these issues, I was not able to explore these constructs as deeply as I initially imagined. The study was further complicated by other factors that emerged over the course of the study. The population chosen to be examined for this study, human service executives, were some of the most committed, focused, and invested people I have had the opportunity to meet. I also recognized that this population was required to maintain discretion because they were public servants which required a level of political sensitivity. Insights may have been further confounded as this population are not currently front line field implementers but are working intentionally at a higher level.

I recognized that this was an interdisciplinary study, as I was looking to gain insights from those working in the social services, judicial, health, and education sectors; but I did not recognize the complexity that this diversity would add. The enormity of interviewing participants from various sectors arose from the diversity in legislation, practices, politics, cultures, and delivery of service. The diversity added to the richness of services available to children, but the immense amount of information related to each sector made it impossible to provide more than an overview of each sector.

As I reflect back on this study, I feel like I was able to provide an enhanced articulation of the issues I was exploring as well as surface various elements specific to sectors and human service executives working on behalf of children. The amount of noise and constructs that came to light made it difficult to refine particulars, resulting in a study that was primarily exploratory in nature. My hope would be that future researchers would take an aspect from this study and provide more focused and narrowed exploration from my global overview.

Concluding Comments

When discussing my study, I was asked, “what would you tell a child regarding the future of Saskatchewan?” I responded that I would like a child to know that their future is hopeful and that many adults from the four sectors I explored, and I am certain in other sectors, are working hard to ensure that the future will be better than the present. These adults are putting aside other concerns and are working together to create programs and policies that will address current and future concerns for children. Throughout the interviews, the pieces of the foundation that support and improve the conditions for children in the Province began to emerge. Human service executives who had the ability to make decisions on behalf of children were creating

legislative changes and writing policy to prioritize the BIC. Programs were being funded to target those children identified as most vulnerable in all sectors.

Research has and is being conducted to provide the evidence to support future actions to improve the reality for children. Human service executives were aware of those children who are the most vulnerable in Saskatchewan; indigenous children, children with disabilities, immigrant children, children with FASD, and sexually exploited children for example. Participants referenced the unacceptably high levels of: low birth weight rates, the infant mortality rates, FASD prevalence, dropout rates, violence during pregnancy rates, mental health issues for mothers during pregnancy, social service calls not being followed up, and other issues while actively looking for solutions to these issues. Human service executives welcome the opportunity to collaborate and compile their evidence and present a comprehensive Childscape of Saskatchewan. Reflecting on some of the issues mentioned above, participants noted that the present state of Saskatchewan does not reflect the reality they want for children. There is hope that goals and a framework with a specific strategy will be created based on evidence to ensure the best interests of children are prioritized in Saskatchewan.

From the insights provided it was apparent that the foundation is set for a cultural shift to prioritize children. Wales, Scotland, and Australia, after receiving the recommendations from the *UNCRC* made drastic changes to ensure that the child was at the forefront of all decisions. Howard agreed that putting the child in the middle of the focus is one way to ensure the BIC is being attained. In this situation “the child is the center and the most important object, if I could say that, *object of concern* so everything revolves around that center in a way. I think it is an orientation about thinking about what we do, what we say, and what we believe that puts the child in a central focus in everything we do”. Howard continued by noting “in some societies

this comes naturally, where it is part of the fabric of their culture or their world view, so Maasai people, for example I think the first question to ask when you see each other is not *how you are doing*, which is what we do – *but how is your family? Or how is your child?*” In the Maasai culture the very first thing that people are greeted with is a question about the children, which shows the centrality of a child in thinking of the way we organize ourselves as a society and is a shift that will begin to happen in Saskatchewan as the BIC is enhanced.

This study identified Saskatchewan human service executives’ insights with respect to the best interests of the child principle as these inform practice, policy, and research in human services and, secondly, examined their perceptions of moral purpose, agency, and efficacy in the application of the BIC principle. Human service executives’ perceptions were collected via interviews to provide contextual data for the findings. The findings revealed that many conceptions of the BIC principle existed, although similarities existed within sectors, likely due to the policies and legislation informing human service executives in these sectors.

Exploration of human service executives’ perceptions and experiences in this study provided a description of the processes and experiences human service executives encounter when making decisions on behalf of children, as well as and a description of the current Childscape in Saskatchewan. Furthermore, findings from the research provided descriptions that add to existing theory about decision making on behalf of the BIC and moral purpose, moral agency, and moral efficacy. This research along with literature suggests implications for policy, practice, and process. Adoption of plans for future intentional planning, intersectoral collaboration, and incorporating children’s voice into the processes will ensure the BIC is brought to the forefront of Saskatchewan, ensuring the future Childscape of Saskatchewan is better than the current reality.

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APPENDIX A – LETTER TO HUMAN SERVICE PROFESSIONALS

Department of Educational Administration
28 Campus Drive, University of Saskatchewan
S7N 5E5



November 8, 2013

Re: Invitation to Participate in Saskatchewan-Based Research on Best Interests of Child

Dear (*Name of Human Service Executive*):

My name is Sara Dzaman and I am currently working towards a Doctor of Philosophy Degree in Educational Administration. In fulfillment of my doctoral work I am conducting research entitled, *Moral Purpose, Agency, and Efficacy: Deliberating on the Best interests of the Child*. This multidisciplinary research project, related to the concept of the best interests of the child in Saskatchewan, is part of a broader research project that has received funding for a Social Sciences and Humanities Research Council of Canada (SSHRC) entitled ***“Exploring the Best Interests of the Child: Pan Canadian and Interprofessional Perspectives.”***

A significant end goal of my study is to provide a comprehensive description and more determinate articulation of perceptions, principles and practices related to the oft-used and cited concept of “the best interests of the child” in Saskatchewan. My ambition is to provide findings and insights to assist colleagues (academics, policy makers and practitioners) with their ongoing development of decision-making frameworks, policy efforts, casework, and the education of professions. Ultimately, I am interested in doing research that makes a positive difference for children, youth, their families and their communities in Saskatchewan.

A key component of my study is related to understanding the perspectives and experiences of those professionals and practitioners directly involved with making decisions, policies, or implementing practices related to children and their interests. Because of your experience and expertise of addressing the interests of children and youth in Saskatchewan at a policy and /or practice-level, my sincere hope is that you will consider participating in my study as an interview candidate. I would welcome the opportunity to listen to your thoughts, observations and experiences on making decisions in the best interests of children.

I have included the interview guide for your perusal so as to give you an idea of what to expect in the interview process. A consent form has also been included for your records. It includes details about the procedures and expectations of the study and will be reviewed and signed at the point of interview. If you agree to be interviewed please reply to me via email (sara.dzaman@usask.ca) or phone (306.716.3144) to set up an interview date, I will also be following-up to this letter with an email or phone call to clarify any of your questions and inquire about potential interview dates in the next two weeks. In the event that you have any concerns or would like additional information, you may contact Dr. Keith Walker, my supervisor at 306-966-7623.

Thank you for considering this invitation.
Yours Sincerely,
Sara Dzaman

APPENDIX B - LETTER OF CONSENT FOR PARTICIPATION IN STUDY

You are invited to participate in a study entitled “**Moral Purpose, Agency, and Efficacy: Deliberating on the Best Interests of the Child.**” Please read this form carefully, and feel free to pose any questions that may arise from the document.

Supervisor

Dr. Keith Walker, Department of Educational Administration, University of Saskatchewan

Researcher

Sara Dzaman, Department of Educational Administration, University of Saskatchewan

Research Purpose and Procedure

The purpose of this study is to examine the perspectives and experiences of the professionals and practitioners directly involved with making decisions, policies, or implementing practices related to children and their interests.

The procedure employed to generate information will be through semi-structured interviews with participants. You will be interviewed up to two times. At the first interview, a consent form will be signed. The first interview will last between 45-60 minutes. A second interview will be requested only if additional clarification or information is required. This interview will last between 30-45 minutes. Interviews will be audio-taped and transcribed later by the researcher for analysis. The interview will be transcribed and analyzed to discover the patterns and themes discussed. You will be given a smoothed narrative version of the transcript with false starts, repetitions, and paralinguistic utterances removed to make it more readable. Subsequent to the interview, I will share with you a transcription of the interview via email. You have the opportunity to review the transcript and discuss any thoughts, add, alter, and delete information from transcripts as appropriate. You can also express concerns and reactions you have towards the researcher’s analysis. During the period of study, the researcher will keep contact with you for clarification and additional information.

Potential Risks

There are no foreseeable risks and there will be no deception associated with this research. Direct quotations from the interview will be reported. Confidentiality and anonymity will be ensured by the use of pseudonyms in respect of participants, their occupations, and location. The greatest care will be taken to protect the anonymity of participants but there may be the possibility that because the sampling is from a small group of people, respondents may be identifiable to others on the basis of what they have said.

Potential Benefits

The potential benefits of this study may include new insights for theory, practice, research, and policy related to the best interests of the child, although these benefits are not guaranteed.

This research project has a website <http://bestinterestsofthechild.ca/>, which you are invited to access and contribute to. The website allows participants to access papers written by the researchers, together with links and resources related to the topic of the best interests of the child.

We are also interested in creating an accessible comprehensive interdisciplinary social map of the networks of persons, agencies and offices in Saskatchewan who play a key role in providing services for/or concerning children and youth. To facilitate this process we will have a section on our website for you to partner with us and promote your individual or your organization's work.

Storage of Data

Consent forms will be stored separately (from materials used) to avoid association of names to any given set of responses. All data containing identifying information will be securely stored and retained at the University of Saskatchewan for five years, in accordance with the University of Saskatchewan and Tri-Council guidelines.

Confidentiality

You are invited to only answer questions that you feel comfortable with and you may choose to refrain from answering any questions. All information will be kept confidential. Names of participants, their respective occupations or positions will not be divulged. Confidentiality and anonymity will be ensured, as far as possible, through the use of pseudonyms in reference to the participants and locations involved in this study.

Withdrawal

Participants are free to withdraw for any reason without penalty. In the event of withdrawal, the data collect from the interview with you and the tape recordings will be destroyed.

Questions

This study has been approved on ethical grounds by the University of Saskatchewan Behavioral Research Ethics Board on (insert date). If you have any questions about your participation, the study itself, or your rights as a participant in this study, you may contact the Research Ethics Office at the University of Saskatchewan (306-966-2084). Out of town participants may call collect.

In case you have any concerns or require additional information, you may contact Dr. Keith Walker, my supervisor, at 306-966-7623. You may also contact me by email my address is: sara.dzaman@usask.ca.

Consent to Participate

I have read and understood the description above. I have been accorded the opportunity to ask questions and my questions have been satisfactorily answered. I am aware of the nature of the study and understand what is expected of me and also understand that I am free to withdraw at any time during the course of this study. A consent form has been given to me for my records.

(Participant Signature)

(Date)

(Researcher's Signature)

(Date)

APPENDIX C – SEMI-STRUCTURED INTERVIEW QUESTIONS

1. Describe your current role in relation to working with/on behalf of children.
2. What contexts to you usually work with children?
3. What does the term “best interests of the child” mean to you?
4. What impact does the “best interests of the child” principle have in your practice and that of your staff? (What ways and with what frequency do you consider the BIC?)
5. Describe your role and the scope of influence with respect to the determination of the BIC in policy and practice.
6. In what ways do you see your work as having direct and indirect influences on enhancing the best interests of children in Saskatchewan?
7. In what ways do you consider your work to be a moral enterprise? Do you see your work as a moral endeavour?
8. What are some of the moral challenges or obstacles do you, and/or your staff, face when making decisions (throughout the range of specific contexts and contestations) that call for the application and adjudication of the best interests of the child principle.
9. In your experience, how are decisions about the best interests of the child typically made in Saskatchewan? Do you have any suggestions for how they might be better made?
 - a. What **process** did you employ in making a determination in the best interests of the child(ren)?
10. Human service executives/or professionals working in their respective sectors are often called upon to mediate competing interests that involve children. What competing interests do you see that impact decisions involving children that are most problematic?
 - a. How do you balance or reconcile competing principles, considerations, and agendas with the BIC principle?
11. How do you monitor and evaluate the effectiveness of decisions in your jurisdictions with respect to the best interests of the child principle?
12. What recommendations or “next steps” would you propose regarding policy and practice in Saskatchewan related to the best interests of children?
13. In what ways, if any, have your various deliberations given attention to the standards set forth in in the Convention of the Rights of the Child and the subsequent recommendations by the United Nations Convention?

APPENDIX D – CONSENT FORM FOR DATA TRANSCRIPTION RELEASE



UNIVERSITY OF
SASKATCHEWAN

Research Ethics Boards (Behavioural and Biomedical)

TRANSCRIPT RELEASE FORM

Thank you again for participating in the initial interview on the Best Interests of the Child (BIC). As noted in the original letter of consent, you will be provided with a transcription of the interview to review, delete, or alter before being analyzed. Please note that I may contact you for further clarification or additional information during the period of analysis.

Confidentiality

All information will be kept confidential. Names of participants, their respective occupations or positions will not be divulged. Confidentiality and anonymity will be ensured, as far as possible, through the use of pseudonyms in reference to the participants and locations involved in this study.

Questions

This study has been approved on ethical grounds by the University of Saskatchewan Behavioral Research Ethics Board on (insert date). If you have any questions about your participation, the study itself, or your rights as a participant in this study, you may contact the Research Ethics Office at the University of Saskatchewan (306-966-2084). Out of town participants may call collect.

In case you have any concerns or require additional information, you may contact Dr. Keith Walker, my supervisor, at 306-966-7623. You may also contact me by email my address is: sara.dzaman@usask.ca.

Consent for Transcript Release

I, _____, have reviewed the complete transcript of my personal interview in this study, and have been provided with the opportunity to add, alter, and delete information from the transcript as appropriate. I acknowledge that the transcript accurately reflects what I said in my personal interview with [name of the researcher]. I hereby authorize the release of this transcript to [name of the researcher] to be used in the manner described in the Consent Form. I have received a copy of this Data/Transcript Release Form for my own records.

Name of Participant

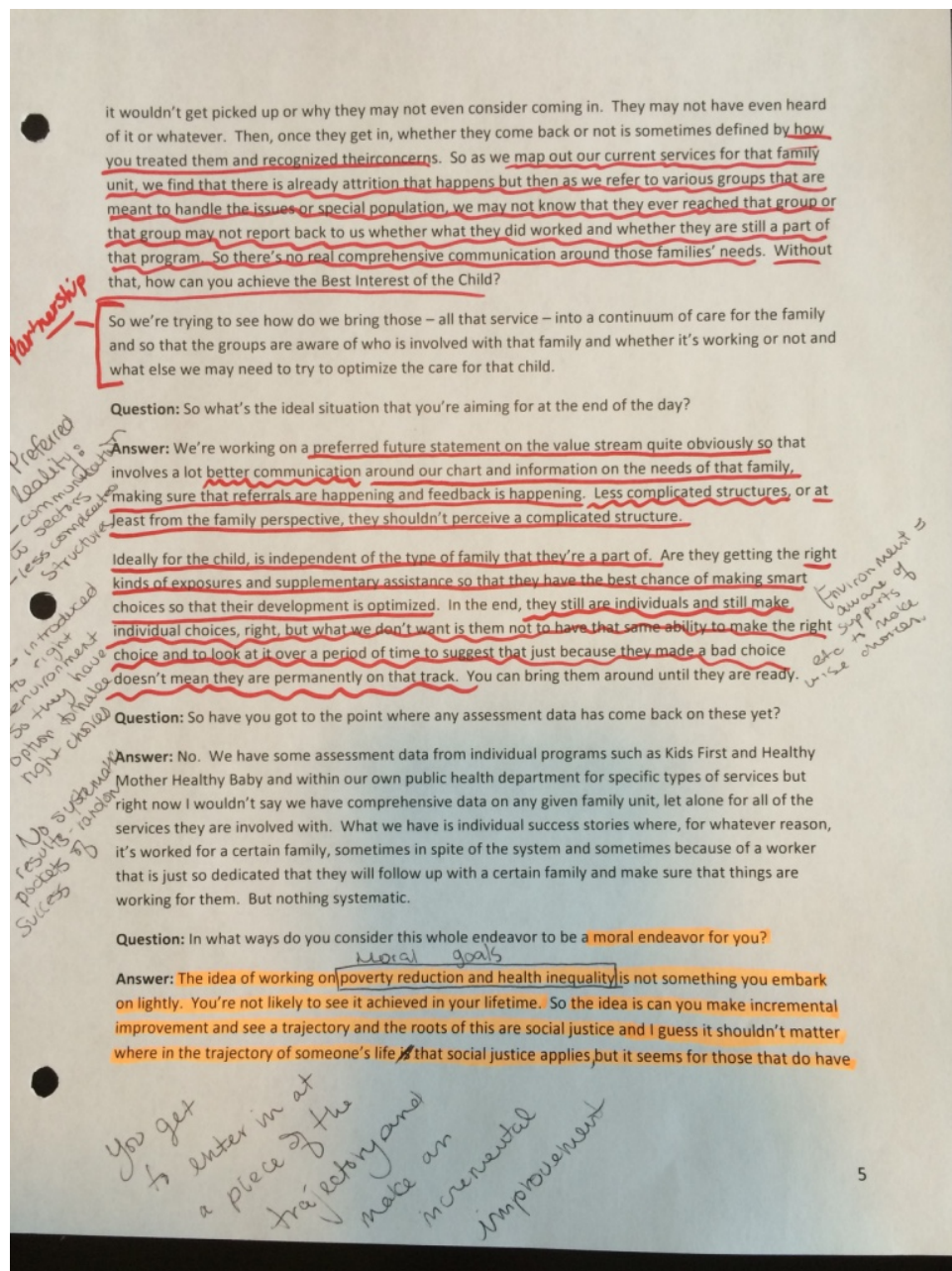
Signature of Participant

Date

Signature of Researcher

APPENDIX E – SAMPLE OF GIQM CODING #1

The following are examples of the first steps of the Generic Inductive Qualitative Method (GIQM) I used for analysis, which is where the researcher identifies text segments that contain meaningful units and creates a label for a new category to which the text segment is assigned. During this stage I compared the realities described in the transcriptions for similarities and differences. I was able to see various broad categories emerge and began taking note of the properties related to emerging categories. During this process, I read through the transcripts several times to get an understanding and feeling of each participant's experiences and descriptions. I highlighted and took note of the properties related to emerging categories. I made notes in the margins and highlighted using different colors to reflect different categories.



Response: Yeah. Absolutely. I can certainly tell you in my role that probably one of the significant proportion of my time is at shared tables with other human services ministries while we're trying to work on at the policy level as to how to deploy in an integrated fashion supports for children and families. A big part of that is actually communicating that so that the resources that are available to individuals or communities are actually known because I think that there's a lot of supports out there that folks just don't know about and I'll go back to my own experience as a kid growing up. Some of them were there even as I was growing up but if you don't know if a support exists, does it really exist to that family in a tacit sense?

Collaborating
Communication

Question: How do you monitor and evaluate the effectiveness of decisions in your jurisdiction with respect to the Best Interest of the Child?

Monitor
Success

Response: Typically, when we deploy a program, we have classic program evaluation elements to our program. When we start a new program or when we're in the middle of a program, we do formal program evaluations so that's one way of monitoring. The other informal way of monitoring is the contact and relationships you have with folks in the field so part of my approach is to be as available as possible for conversations with people who are actually doing the provision of services and monitoring over time, the trends in the conversations and the getting heads up on what's coming. For example, in the province right now, the increased diversity of new Canadians and the impact that that has in schools. So back when I was in the classroom, not so many years ago, there was not the level of immigration that we're seeing now so there's some different skillsets that are required and how, as a program developer/leader in government, how do you make sure that we're supporting teachers to basically match the skillsets to the current context? And again, I think part of this challenge is how fluid and how nimble you are around your deployment.

Formal
Evaluation

Communication
Conversation

Diversity -
requires
discussion

Question: Do you have any recommendations for next steps that you would propose regarding policy or practice in Saskatchewan related to children.

Next
Steps

Response: So you're thinking about who's going to read this at the end and what's it going to make him think about it. Not to put too fine a plan. I think it's balancing a tolerance for ambiguity and humility around work with children and a strong professional acumen so encouraging organizations to make investments in the development of their leadership to be as current in their research. Childhood development would be one. One of the challenges in working with children at a policy level is often that sometimes I hear in the discussion how very close people hold their own experience and extend that to the experience of others. I think that that can sometimes be quite limiting. It can be actually very insightful at times but again, developing some tolerance for diverse perspectives that there is value in diverse perspectives and that there's probably many truths for the Best Interests of Children but helping the professionalism in particular to have a set of lenses that they can hold those discussions up to and to be reflective about so that they can make the best, most informed policy decisions they can and to recognize in particular when they don't have the information that they need to make decisions. And give them a bit of a scaffolding to hang exploration on so that they can go out and get that information before making big policy changes.

Response: I guess, again, around legislation and around policy and making sure that that's something that our staff are always considering but I think in a broader context, there is a lot more integrated work going on between ministries now around child serving ministries, so recognizing that the Best Interest of the Child goes far beyond child welfare. And really, those who have more of a direct influence are people like health, people like education, people like culture, sport and those sorts of ministries who and community and ministries who really have a better chance of getting ahead of where we are because by the time children come to our attention, they've already been abused and neglected so we need to get ahead of that so in my specific role, I do think that I have a keen interest in collaboration with those other ministries and that really is about getting ahead of the whole thing and I don't know if you've heard about the Child and Family Agenda but the Child and Family Agenda is an example of that where we need to start preventing these kids from coming to the attention of the child welfare system. We're a last resort system. We would all be better off if none of us had jobs. Really, children would be better off if none of us had to exist. Unfortunately, we do but the key is to get ahead of it and to make sure children are getting their mental health services, their emotional needs met, their educational needs met and some of the most basic needs met in terms of not living in poverty. That's what we need to do. We need to get ahead of it. So, you know, to me, that's the exciting part. Yes, once children reach our system we have to make sure that we are working in their best interests but let's make sure that we're working in their best interests so that they don't have to become involved in the child welfare system.

SS is
last
Stop.

Let's
get
ahead
of this
so children
don't
end up in CW

Question: In what ways do you consider your work to be a moral enterprise or do you see your work as a moral endeavour?

Response: That is an interesting question. When I think of moral enterprise or moral endeavour, I think you know about an issue, you create an awareness of the issue and you try and do something about it either through policy or law so I guess as a rule maker, as an enforcer of rules, I guess I see myself as having to be a moral entrepreneur in that way. Does that make sense?

Moral
entrepreneur.

Question: Yeah, it does... moral entrepreneur...

Response: Yeah, I mean, I guess I feel that there is an obligation. We know about issues relating to children either through policy or law, we need to respond and do something about it. I guess in that context, I would see myself as...

Question: Are there challenges that you could talk about, moral challenges or obstacles that you or your staff face while making decisions?

Response: Our front line staff, I would know that they would have moral dilemmas all the time because probably every day, they would be faced with them and what I mean by that is you're gonna have staff who don't believe, let's just say that certain medical procedures. If they don't believe in certain medical procedures but yet they know that they have to make those available to a child, right? So those moral dilemmas, they would just be every day dealing with those sorts of things. The other thing I think about are competing interests and I think your next question might talk about that a little bit more or maybe it's down the road a bit. I think that there are always moral challenges. As long as you are dealing with

Children always = moral challenges

children because everybody, children really evoke an emotional response from most people and yeah, we want to do what's best and that's kind of subjective sometimes. You may think you are doing what's best and somebody else might think you're not and they'll have their own reasons for that.

Question: How do you mediate competing interests?

Response: I think a big example of that is back to the culture piece again so there are some cultures that believe the community should raise a child, right? And then there are others who believe, no, it's the immediate family that needs to raise the child. So what's more important? The immediate family or the broader culture, the broader community? Earlier, you talked about a hierarchy. Is it a hierarchy? I think that the only piece that has to be at the very top is the safety of the child. After that, it is hard to figure out which is the priority, you know. Because safety is something that is just so fundamental. The child has to be safe, has to have his or her basic needs for food, clothing and shelter met, and safety. Those, to me are absolutely fundamental. And then, though, when you talk about the spiritual needs of the child or the cultural needs of the child, the emotional needs of the child. I think involving the child is another key aspect, another key consideration but then that can also create a dilemma because what the child might want, an adult may believe will lead them to not be safe. So there's always that dilemma too. You need to listen to the opinion of the child and I believe in that except for when what the child wants is going to lead to them being unsafe. There's always those competing dynamics and I think every case is different in terms of what you need to prioritize. Every child is going to be different in terms of what might be the priority, depending on their circumstances but at the end of the day, child safety has to trump it all, especially in our business.

Villages

Safety

voice

Question: You can't have a rule for it or a manual on how to behave every single time and it's just kind of an art of figuring it out and what is best and when do you have to maintain confidentiality or privacy or...

Response: That's why I guess I always talk about Best Interest of the Child in terms of consideration. You have to consider this, you have to consider this, you have to consider this, and then you pull it all together in a context of this particular child and because something that's important to one child is not going to be as important to another, depending on their... so in terms of prioritizing, it's a difficult thing to do.

Individuality

Prioritizing

Question: How often does the parent's opinion come into play?

Response: If we're still working with the parents, like if the child hasn't been made a permanent ward and then we're the parent. If we're still working with the parent, then what the parent wants is very much considered. I'll give you an example of that. If we have to take the child into care for a short period of time, we'll always ask the parent, "do you have a relative who you would like the child to stay with?" rather than them staying with strangers. And then in terms of the planning, it's a continual meeting with the family because our ultimate goal is always to get the kids back home so we have to be working very carefully and very continuously with the parents. And I mean, that too, depends on their capacity. I mean, if there's substance abuse going on, you have to make sure you take that into consideration and meet with them at a time when they're coherent and those sorts of things.

a tendency to judge individuals or feel that they're getting just desserts for choices they've made: you can't say that about kids.

So when it comes down to a common denominator for all people to kind of resonate with and say yeah, we should really do something about this, the Best Interest of the Child is kind of that apple pie statement. So to that extent, it's a universal and moral approach that I find resonates with different political ideologies. Some people may be willing to write off the drug addict but when they find out they have a child then all of a sudden it's well, what can we do? So it's a unifying statement and I do find those who are making the biggest difference in this area are those who have adopted it as a moral imperative or they feel that they simply have to do something to make a difference for these kids.

Question: Was this always your trajectory in life?

Answer: I don't know. Certainly from before I got into medicine, when I was still interested in going into medicine, I spent a summer in West Africa and was exposed there to what abject poverty was like and also the limited impact that band aid solutions have in areas of political turmoil and strife. So that's sort of the first exposure I had to the need to deal with root issues but going through medical school, I didn't really know about this type of medicine until late so once I found out about public health and the possibilities to try to make an impact at a program and policy level, it was sold. But where I found dealing with health inequalities, specifically has sort of a trajectory I wanted to go on was more when I was trying to do health status monitoring for a population and found that Saskatoon as a city was always turning out to be at the provincial average, no better than the average because we are the largest population so we set the average. Of course we are going to be average. But when you drill down into sub-geographies, we found huge variation. When you look at where the high rates of illness and injury and developmental delay and everything else right from early childhood through to old age, it's the same parts of town and it doesn't take a rocket scientist to figure out that there are some root causes here. Intuition told me it doesn't have much to do with race and so we set about some research to prove that by doing regression analysis to show that once you control for other factors, in most cases, it completely eliminated an association with race. To get people focused then on what are the main drivers, and the main drivers were poverty, education and employment so once you look at that then the trajectory has been two-fold. First, Recognizing there is a long-term approach in trying to reduce poverty rates and improve educational outcomes and employment - that's an intersectoral issue - its working with government on policy change and so that set of activities got established. And second, within the health system and improving program delivery, you can't abandon the kids that are already in this situation or the adults, for that matter. So how is it that you can optimize the care and intervention to try and minimize the damage or prevent some of it from occurring so a lot of that is focused more on bringing in partnerships with social work with mental health workers and public health, primary care and seeing what can we do when we identify them but more importantly, why aren't some of these individuals even encountering our services? It's not right.

Question: What are some of the major obstacles that you are facing as you go out and try and do this?

Root issues not band-aids

Long term partnerships - policy change
2. Address current reality

See us/ sets the avg. Huge variance with the city
Not race
Main factors of health inequalities

Question: No. I think more the first than the latter in terms of having their voices involved at some level.

Response: We haven't done a lot of that because number one, it is very difficult to do. We do, for example, through the Victim's Services are offer programs for children exposed to violence and are trying to find a way to evaluate those programs and figure out what works best for children and what doesn't. We have also done education programs for children going through divorce and trying to find out through evaluation whether those programs are helping and the answer is yes because once again, the kids know they're not isolated; that the feelings they have are feelings that other kids have too and they have a bit of a support group going through the process. So we've done outreach in those two areas with children. Obviously we also work with children who are victims and they're part of being reviewed as well in terms of whether their needs are met. Having a sit down discussion with children about something, for example, child support guidelines, you're not going to get very far. So you really have to decide what it is that you would engage children in in terms of what you're trying to get from them because you don't want to put them in a situation where it's just tokenism or where you're using them. It has to be some purpose for the discussion so it's a meaningful process for them as well as for us. I think we haven't at this point come to that. Now I do plan to meet with the Youth in Care and Custody Network on the children's counsel stuff to try to find out from them what they think would be most useful. So those are some of the areas where you can sit down and have a bigger discussion. For example, I am not sure how to talk to children who are part of specific files, such as a subject of international child abduction process because by and large, they weren't involved in what the problem was. They just knew the problem was happening and so they won't have a lot more to tell you about some of that other than they don't want to be in the middle of a dispute.

Child
Voice
Violence
Divorce
Good
Point
Avoid
tokenism

Question: In what ways do you consider this work that you do to be a moral endeavour?

Moral

Response: I think for me, it is very much because I have always been a child advocate in one form or another. So for me, it's very much about being careful of the needs of children.

Question: Originally, when you went into law, though, that was the route you wanted to go into?

Response: Oh, I don't think I had any clear thoughts. My favourite have always been criminal law and family law so I think it's the personal connection on both of them. I can relate to those sorts of difficulties that people are having and other people I know would despise and despair of that sort of work. They'd much rather to tax and corporate but I'd much rather deal with people.

Question: What are some of the moral challenges and obstacles that you have faced when making decisions about the Best Interest of the Child?

Moral Challenges:

Response: I think one of the first ones is that you have to be careful that you stay relatively neutral and objective because, of course, you rarely have all the facts. So if you are dealing with a particular case you want to be careful to be neutral and objective and try to continue to be professional in what you are doing and not get too emotionally involved in the case or the situation because that won't ultimately help anyone and it doesn't help you either. So that's a challenge because some of these are very

Stay
neutral

time there are what I'll call competing moral purposes and so its decisions between two goods. So yeah, this is a good thing to do and this is a good thing to do so how do we make a decision between those two things. Part of that, as I said before, is the quality of the information that you have and then supporting that with the development of information in other areas to help. I'll describe it as a weave of fabric, right, as a senior leader? When I think about kids, I think of a trampoline and so I want to weave a fabric that kids can bounce their way to success on and to do that I need to have good information and I need to have good analytics provided to me and I need some time to be reflective about that.

There are two goods

Decision-making processes - End goal - success kids

Question: In what ways do you consider your work to be a moral enterprise?

Response: I think for me there is certainly a huge moral component to the work because there is more that I don't know that I do and where I work in the sector, for example, in the area of integration of I'll call it classical western approaches to the support of children and more aboriginal, first nations and metis perspectives on what's good for kids, for example. It's a huge effect for the province and so I think there's a moral obligation as a senior leader to first explore what that means for me as an individual and then try and be a part of conversations that understand both perspectives and to quite frankly, drive that down into my organization. There's probably some universal truth of how children develop and then there's some work view pieces that get layered on top of that so part of my moral obligation is to take my own experience and take what I've learned through research and experience and to expose myself to conversations in domains that maybe I'm not as familiar with and then to be reflective about that. I see that actually as quite a moral imperative for my work because as I said, in the end we work in these jobs typically not for a long time and I don't think that just because of the way the organization is set up, there's not many ADM's and not many people get to be an ADM so one of the things I reflect on is what will they say about me as a result of the work that I did. I consider that to be a pretty high moral obligation for strong things to be said about the work.

Moral piece.

Question: So what would you like to be known for at the end of it all.

Response: I think in terms of the end of it all, I would like to be recognized for being at many tables where many voices were considered. Voices that were supportive, voices that were challenging and that I was able to lead through a conversation where we got to a better place where people felt that they had agency in the determination of what is effective for children. I think I'd like to be known for it's not an either/or conversation. I think maybe it's our western philosophy where it has to be this or this. Not much of what I do is answered easily. Most of what I operate in terms of the Best Interest of the Child is grey areas, not black or white and so people are often looking for a black and white answer and I just don't think often times it's there. But as I said earlier, I think there are some universal truths about what kids need to be successful and that is something that I'm more and more, as I work these files, coming back to.

Worked together - voices heard

Grey areas

Question: So you had mentioned before the competing moral purposes. What are some of the moral challenges or obstacles that you or your staff face when making decisions that call for the application or adjudication of the Best Interest of the Child?

Research / Evidence Based Policy Review

I think they will say they are curious about the world around them, how it works, how it should work, understanding it, and that curiosity is what propelled them to get the training that they have. And some may say that is true but maybe that alone is not the reason. You want to make a difference in the world around you and how societies and institutions work, even to provide better, more effective, timely and complete care. So I think that now - what you do with the knowledge and why you generate the knowledge, you understand, it's just so common, right? We have a whole set of language around this, almost imperative, (inaudible...) organization, transfer and so on. I would say that we have come a long way from when we just actually did research, wrote papers, gave presentations, wrote books and so on and then basically sort of thought that we had done our work. Someone would find these things interesting, people who are different than us, not our peers, someone would find this interesting and might actually do something with it.

How
epidemiology
Inform
policy
programs

Now, we are actually producing knowledge together with people in places to use it. In fact, we haven't given up our role of knowledge producer but we have extended our role to include our partners who are not researchers. In my work and through KidSKAN is a bit of an example of that, we think about three or four very particular, very specific sets of attributes or steps that we take and we need to be concerned about when we are producing knowledge. You never forget that knowledge applies in real life. So one is that actually, we like to investigate, research questions, and problems and issues that comes from users of knowledge - practitioners, policy-makers, citizens. That is not to say that we might not come up with some of these questions too but we are very open and actively seek opportunities to do research, to take on problems and issues that actually come from non-researchers. There are all kinds of examples I could give you. The most current example is that right now, we are doing evaluation of Fetal Alcohol Spectrum Disorder and community support programs in Saskatchewan. The ministry of Health and Government of Saskatchewan want to know whether their FASD strategies are working, whether they are effective, whether they are being subscribed by people as they hoped people would, whether they are delivering it in a timely way, an effective way and so on. So that's not my question. I didn't read about it in a book or a paper. I didn't hear about it in a presentation. People in the Ministry of Health wanted this work done and were looking to see who might be able to work with them and provide this information. That is a perfect example of starting the question that is of central interest to the knowledge user, whether it be a policy maker, program deliverer or practitioner.

Ex
FASD

The second step is that we work with people who will use the knowledge that is created right from the get-go so if you start with a question that is of importance to the knowledge user, they are almost a co-creator of the knowledge and you actually start the whole project with them on side. You don't collect the data and analyze the data, you have preliminary results and go looking for someone who might actually have a use for this. Or sometimes even worse, in the way that it was done in the past is that you actually write a paper, write a book, you have a presentation and then you say "who might actually want to hear this". You start looking for people who might be your audience but that's actually not the way we do it. We engage with people right from the get-go and thirdly, we work with them throughout the research cycle and we work with them after and frequently.

Changed
how
research
is done
to be
relevant

Fourthly, we give information and results, traditionally speaking, in a way that is useful for them. And the concept of timing is everything sometimes for good policy decision-making. There is a budget cycle.

Answer: If you're talking about from a legislative perspective, certainly the Children's Law Act would require... I mean it's primarily geared towards the court but we would hope that people would take a broader interpretation that any decision maker is going to have to take into account the factors set out in the Children's Law Act when they're trying to determine what is in the Best Interest of the Children. So, you know, the specific personality of the child. His or her needs. Comparison of the parenting plan set out by both parents are all factored in to any decision. And of course, the views of the child, depending on his or her maturity level. If you're talking about it more from a programming perspective, again, our Parent Education Program tries to remind parents to focus on the needs of their children and keep conflict reduced or at least have it so it's not visible to the children as much as possible. I think it's easier to find that in programming than it is in the legislation. I'm just trying to think of another good example of programming. There is some research and there has been some experimentation with mediation involving children in other jurisdictions like B.C., I believe. New Zealand and Australia are the other places where they've actually tried involving children in a mediation process. We haven't got quite so bold here but certainly our mediators are trying to somehow include the perspective of the children. You probably also are aware of a very specific type of custody and access assessment that's called "Hearing Children's Voices". It's meant for older children - as a rule of thumb, eleven and up - before they would consider doing that. They do make exceptions, though, where it is a mature child and there's the reason for trying to interview a younger child. It is meant to focus really just on what the child thinks would be the ideal custody/access arrangement.

Legislatively

Programming
- focus on child needs
- not involving child in mediation yet.

Question: Is the focus at this point, kind of incorporating children's voice in the programming?

Answer: In all honesty, I don't think that we're moving fast enough in that direction. And I don't think we're the only Canadian jurisdiction that's a little bit slower in that regard. There are other jurisdictions that are trying to promote it a little bit, I think, better than we are. I actually do think that a lot of the research on the involvement of children and mediation has been quite positive and I think, and this is relating back to my involvement in the School Plus Committees and there were a lot of really strong advocates for children involved in that process. I think a lot of it comes down to sort of paternalistic attitudes about what kids are capable of hearing - of what sorts of information they're capable of hearing and processing - and then providing opinions about. I think we need to give them more credit than we currently are. Of course, the prevailing philosophy at the court level is that we don't want to put children in the position of feeling that they have to take a side or somehow get involved in the conflict but when we're doing that, we are sort of taking away the opportunity for children to provide feedback, which a lot of research would suggest is in their best interest. They don't need to make the decisions but they would like to have a say.

Child's Voice.

Question: This is interesting. It always goes back around to the how. How do you do this in a way that's...

Answer: ...is protecting them but still enabling them? Yeah. And that is the trick. Some of the models of the mediation in B.C. and again I think in Australia and New Zealand - they tend to piggyback off each other - they haven't necessarily had the child right in the mediation session, although sometimes they have. Sometimes they will have a mediator meet with the child and basically interview the child, collect

How

Question: So do children ever come into, on a daily basis in your job, a thought process of the idea of the child in there or is it more the policy? I guess to they even come up in the policy?

Response: Oh, absolutely, yeah. I mean, we very much put the student first when we're sorting out if our policies are working or are they not working and we certainly hear from school divisions and when we're sorting out whether the policies are working or not, we get feedback at different levels. We get it from usually the school divisions who provide us with their organizational perspective but they also provide us with the parents' perspective and what they believe to be the students' perspective. Often times, we'll hear directly from parents so we get the parent's perspective on our policies pretty regularly. We don't often hear directly from the students unless we seek that out and that's something that I think we could do a better job of and I know that in the Tell Them From Me survey tool, we're expecting to be able to hear more directly from the students by that mechanism but one of the areas that we dealt with recently that I found really exciting was on the infrastructure side, you know that we're building nine new joint schools and so essentially, 18 schools in Saskatoon, Regina, Warman and Martensville and as we were sorting out everything that needs to be sorted out to take 18 new schools out to RFP to find someone to build these schools, there's a lot of work that goes on before you can actually develop any kind of RFP documentation and one of the things that we needed to do was develop core design and as we're sorting out how we're going to develop the core design, we decided to hold a 5 day design event and students were invited to that event so it was a very organized approach to coming up with designs where the students were in the room contributing their ideas for how these schools could be designed and the features they want to see in new schools.

It was a really great element and of course it wasn't just the five day event either. The architecture consulting group that we're using interviewed 200 students prior to the five day event and we also had sessions with teachers and principals for, I think it was a three day period leading up to the five day design event and then following the event, we do a 30 day and a 60 day review period because the architects are actually taking the concepts that were defined and they continue to refine them to develop so that they can be closer to, I'm not sure exactly what the right terminology is but closer to a finished design that could be used for the sake of an RFP. So anyway, it's been really good and I think that, for me, from an infrastructure at least, is part of the definition of Best Interest of the Child. It means talking to the students and finding out what matters to you in terms of the school itself. What helps you stay focused, what helps keep you engaged, what helps attract your interest when you're talking about the facility itself and no better way to do that than to talk to the students and get them to tell us what they like and what they don't like.

Question: What else does the term Best Interest of the Child mean to you?

Response: Well, you know, when I think about the ed funding part of the world, that is where it is somewhat more challenging, I guess, because now we're talking about essentially sorting out how we go about making decisions with scarce resources and how we go about allocating funds so that all children, no matter where they are located in the province have the same access to educational services and that poses a number of challenges because it does, in effect, result in some rebalancing going on between schools and school divisions. So anyway, the Best Interest of the Child in that context for us really goes

Getting
Stakeholder
perspective
in policy.

Child's
Voice in
Policy

Ex. 8
Student
Voice

Value
Added

APPENDIX F – SAMPLE OF GIQM CODING #2

The following are examples of the GIQM analysis process that involves looking at each category and finding the sub-categories, contractions, insights, and finding appropriate representative quotations that convey the essence of each category. During this process of analysis, I organized sub-categories under broad categories and created new categories as necessary. I had organized the transcriptions by colour coding sections according to the category they fell under and during this stage I reread the transcriptions to find further evidence of sub-categories and make notes and highlights about the defining characteristics. In the first part of analysis I had moved text on word processor under categories which made it easy to find representative quotations. Using the research questions to guide this process I put quotes from the transcriptions under the appropriate headings.

The example below is of quotes related to moral purpose. As the process progressed these quotes were moved into their sub-categories and turned into process. Since this was a process that evolved I do not have many remaining examples of original artifacts from this step of the coding process.

MORAL PURPOSE: ROLE & INFLUENCE - With respect to moral purpose, how do human service executives describe their role and the scope of their influence with respect to the determination of the best interests of children in policy, administrative function, and in specific cases?

This section explores how human service executives described their role and the scope of their influence with respect to the determination of the best interests of children in policy, administrative function and in specific case.

It is very exciting. So that is something in the immediate that we're doing and then of course, our legislation is being opened so that's one of the things that we will be exploring, both in terms of our *Adoption Act* and our *Child and Family Services Act*. We would be looking at both of those pieces of legislation and the Best Interest of the Child. Other than that, we are working closely with the current Advocate for Children and Youth and they have documentation that informs children in care of their rights and so that is something that we have to always make sure that we have in the hands of our caregivers and foster parents so that those children get that. That's a challenge of ours is making sure that children who do come into care actually get their copy of that and know what their rights are. But those are some of the more immediate things that we're looking at.

We have an organization called the Saskatchewan Youth in Care and Custody Network. They are youth that are in or from care or in or from custody. We work closely with that group and they will be definitely part of the consultation on the legislation. We bring them potential policy changes and get their views on that and so we would be again, working closely with them. We want to go broader than just that organization and have them suggest other youth that we can talk to around that just so that it's a broader representation of youth than usual on the legislative piece.

leader in the healthcare sector A research focus is on "looking at how kids manage risk and risk perception and how do they get mental health resilience and develop social supports in various networks as a way to make smarter choices and then you can use tobacco or alcohol or drugs or whatever as your topic but it's the same sort of framework that you're working kids through." **A partners with schools** while doing research to look at the differential rates of risk-taking behavior in kids in different parts of Saskatoon and works provide data to inform which schools might get more intensive attention and work with individual schools to determine where energies should be focused. **A has worked to develop four stages or four pillars of intervention that span from awareness through to policy change and advocacy. The four pillars are social and physical environments in the school, teaching and learning aspects, partnerships and services, and healthy school policies.**

Proactive Approach: There is recognition that public health has some of the earliest encounters with families from birth because children are seen frequently for immunizations. Increasing immunization across all demographic and

socio economic populations in Saskatoon was a high priority for public health since 7-8 years ago coverage rates for immunizations were 95% plus in the wealthy neighborhoods and 46% in the inner city. Inner city coverage immunization rate has gone up to 80% and work is still being done to increase this percentage. Public health recognizes the unique opportunity they have to be first contacts and are looking to determine what role they might play in terms of monitoring, screening, and referring children who show early signs of being behind. A pilot program is going to be launched in a few of the child health clinics in Saskatoon where some screening questions or tools could be used with parents in the first two years of life that might predict high risk family situations that may need more intervention for these kids. The dream would be to match them up with an agency to make sure they can be followed up with the appropriate agencies.

■■■■■ lawyer and government official in the policy branch, family law and a main part of her job is staying on top of the research that exists relating to the best interest of the child in relation to legislation and services. A key part of her job is to find out what others around the country or world are doing and looking for improvements and determining if some improvements made elsewhere might make sense in Saskatchewan. Specifically, B looks at custody access provisions and although Saskatchewan has not done any legislative amendments since 1996 some improvements and changes have occurred in the programming side. B also works in a department that is responsible for the international child abduction files.

APPENDIX G – SOCIAL NETWORK MAP

The original social network map that provided a pool for the purposive sampling of participants for this study consisted of 436 individuals from a variety of sectors and organizations in the province of Saskatchewan. To preserve anonymity, it was not possible to provide a comprehensive list of the individuals within this social network map. In an attempt to provide an overview of the demographics of the social network map I have provided an overview of the individuals by sector, organization, and have provided a sample of the titles individuals held and the organizations that individuals worked within.

Social Network Map – by Sector

Education	277
Judicial	28
Social Services	28
Health	28
Interdisciplinary	77
TOTAL	436

The education sector had the monopoly on the social network map. The obvious reason for this is that the education exists solely because of children and therefore all efforts and personnel working in the sector work on behalf of children. This sector expands beyond individuals working within the school system and includes anyone who had anything to do with learning and educating youth. Besides having representatives from the 28 school districts in Saskatchewan, this sector also included members from LEADS, SSBA, SELU, ECIP, FSIN, the Ministry of Education, and NGOs and Non-for Profits.

In general, this map consists of leaders within sectors. Therefore, individuals held titles such as: Executive Director, Minister, Deputy Minister, Assistant Deputy Minister, Director, Coordinator, Chief, Dean, Department Head, President, Superintendent, Professor, CEO, Vice President, and Regional Intersectoral Coordinator.

Social Network Map – by Organization

Professional Organizations	221
<ul style="list-style-type: none"> Example: Saskatchewan Teacher's Federation, Federation of Saskatchewan Indian Nations 	
Government/Government Programs	132
<ul style="list-style-type: none"> Example: Early Childhood Intervention Program, Ministry of Justice 	
Non-for Profit/Non Government Organizations	42
<ul style="list-style-type: none"> Example: Big Brothers Big Sisters, Rotary Club, United Way 	
University Faculty	28
<ul style="list-style-type: none"> Example: College of Medicine, College of Education 	
Municipal Organizations	13
<ul style="list-style-type: none"> Example: Battlefords Interval House, Local Police Department, the Hub 	
TOTAL	436

Social Network Map – Sample of Organizations

- Aboriginal and Northern Justice Initiatives Branch
- Aboriginal Family Service Centre
- Adoption Support Centre of Saskatchewan
- Athabasca Health Authority
- Battlefords Interval House
- Catholic Family Services (CFS)
- Central Urban Metis Federation Inc.
- Central Urban Métis Federation Incorporated (CUMFI) Infinity House
- Child and Youth Services, Heartland Health Region
- Children's Advocate Office
- Children's Hospital Foundation of Saskatchewan
- Community Legal Assistance Services for Saskatoon Inner City (CLASSIC) Inc.
- Conseil des écoles francsaskoises
- Creative Kids Program
- Department of Pediatrics - University of Saskatchewan/Saskatoon Health Region
- Direction de L'éducation Française

- Eagle's Nest Youth Ranch
- Early Childhood Development & Integrated Services
- Early Childhood Intervention Program
- Elizabeth Fry Society
- Family Justice Services Branch
- Family Service Saskatoon
- Family Services Regina
- Family Services Saskatchewan (FSS)
- FASD Support Network of Saskatchewan
- Federation of Saskatchewan Indian Nations (FSIN)
- First Nations, Métis & Community Education
- Gabriel Dumont Institute
- Global Gathering Place
- Healthy Mother, Healthy Baby Program
- International Women of Saskatoon
- John Howard Society
- Kids Help Phone
- KidsFirst
- KidSKAN
- Kinsmen Children's Centre
- League of Educational Administrators, Directors and Superintendents of Saskatchewan (LEAD)
- Legal Aid - Regina, Saskatoon, and Prince Albert
- Metis Nation of Saskatchewan
- North East Early Childhood Intervention Program
- Northern Inter-Tribal Health Authority
- Parents from West Central Crisis Family Support Centre
- Prairie Learning Centre
- Public Legal Education Association of Saskatchewan (PLEA)
- Ranch Ehrlo Society
- Regina Immigrant Women Centre
- Regina Open Door Society
- Regina Qu'Appelle Health Region Child and Youth Services
- Regional Police Service
- Regional Transition House/Provincial Association of Transition Houses
- Riverside Community School
- Saskatchewan Association of Health Organization (SAHO)
- Saskatchewan Association of Social Workers
- Saskatchewan Foster Families Association
- Saskatchewan Intercultural Association (SIA)
- Saskatchewan Intercultural Association Inc

- Saskatchewan Legal Aid Commission
- Saskatchewan Literacy Network
- Saskatchewan Medical Association (SMA)
- Saskatchewan Population Health and Evaluation Research Unit (SPEHRU)
- Saskatchewan Registered Nurses Association (SRNA)
- Saskatchewan School Boards Association (SSBA)
- Saskatchewan School Divisions (28)
- Saskatchewan Teachers' Federation (STF)
- Saskatchewan Youth in Care and Custody Network Inc.
- Saskatoon Catholic Family Services
- Saskatoon Crisis Intervention Services
- Saskatoon Downtown Youth Centre Inc.
- Saskatoon Food Bank Learning Centre
- Saskatoon Indian and Metis Friendship Centre
- Saskatoon Open Door Society
- Saskatoon Police Service
- Saskatoon Society for the Protection of Children
- Saskatoon Tribal Council CFS AGENCY
- Secure Youth Detoxification Centre
- SK Aboriginal Affairs Coalition
- SK Association of Social Workers
- SK Foster Family's Association
- SK Partnership for Children and Youth
- SK Prevention Institute
- SK Youth in Care and Custody Network
- Social Work Unit
- Society for the Involvement of Good Neighbors
- Southwest Homes for the Handicapped
- Stop Stealing our Children
- Student Support Services, North East School Division
- The Saskatchewan Indian Cultural Centre
- The Saskatoon Interval House
- United Way Saskatoon & Regina
- Wahpeton Dakota First Nation
- West Central Crisis and Family Support Centre
- Women's Commission
- Young Men's Christian Association (YMCA)
- Young Offenders Services
- Young Women's Christian Association (YWCA)'s Residence, Crisis Shelter, and Margaret's Place